

EXHIBIT D

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TEACHSCAPE, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

CANTER & ASSOCIATES, LLC and
LAUREATE EDUCATION, INC.,

Plaintiffs,

v.

TEACHSCAPE, INC.,

Defendant.

Case No. C 07-3225 RS

**DEFENDANT TEACHSCAPE, INC.'S
RESPONSE TO PLAINTIFFS' FIRST
SET OF REQUESTS FOR
PRODUCTION OF DOCUMENTS AND
THINGS (NOS. 1-80)**

**PROPOUNDING PARTIES: PLAINTIFF CANTER & ASSOCIATES, LLC and
PLAINTIFF LAUREATE EDUCATION, INC.**

RESPONDING PARTY: DEFENDANT TEACHSCAPE, INC.

SET NUMBER: One (1)

Pursuant to Rule 34 of the Federal Rules of Civil Procedure, Defendant Teachscape, Inc. ("Teachscape") makes the following objections and responses to Plaintiffs Canter & Associates, LLC and Laureate Education's (collectively, "Plaintiffs") First Set Of Requests For Production Of Documents And Things ("Requests") served on it in the above-captioned matter:

GENERAL STATEMENT AND OBJECTIONS

Teachscape's Motion To Dismiss, which, among other things, notes the vagueness of the

1 allegations in Plaintiffs' complaint, and calls into question this Court's jurisdiction, is presently
2 under submission with this Court. Consequently, Teachscape asserts that this set of Requests For
3 Production, and each of the eighty requests contained therein, are unduly burdensome, oppressive
4 and harassing. Moreover, Teachscape has not yet completed its investigation of the facts
5 pertaining to this action or begun its discovery. Teachscape reserves its right to rely on any
6 further, additional, or different facts, documents or other evidence which may develop or come to
7 its attention at a later time. Teachscape's objections as set forth herein are made without prejudice
8 to Teachscape's right to assert any additional objections or responses. By responding, Teachscape
9 does not concede that its responses are properly discoverable or admissible, or that any responsive
10 documents exist.

11 Teachscape makes the following general objections to Plaintiffs' Requests. The assertion
12 of the same, similar, or additional objections as to any particular response herein waives none of
13 Teachscape's objections as set forth below:

14 1. Teachscape objects to each of the definitions and instructions incorporated in these
15 requests to the extent they seek to expand or enlarge requirements set out in the Federal Rules of
16 Civil Procedure.

17 2. Teachscape objects to these requests to the extent they seek information protected from
18 disclosure by any applicable privilege or doctrine, including, without limitation, the attorney-client
19 privilege, the common interest privilege, the work product doctrine, the confidentiality of statements
20 made and conduct engaged in for settlement purposes, the mediation privilege, any third party's right
21 to privacy, the joint defense privilege, or any other privilege or allowance of confidentiality provided
22 by law. No such privileged documents will be produced. Any inadvertent disclosure of such
23 documents shall not be deemed to waive any such privilege with respect to such documents or any
24 work product doctrine which may attach thereto. Teachscape reserves the right to object at any time
25 to the introduction into evidence or the use of any documents that are protected from disclosure
26 which have been or are revealed or produced inadvertently.

1 3. Teachscope objects to these requests to the extent they seek information, the disclosure
2 of which would violate any constitutional, statutory or common law privacy interest of any current or
3 former employee or representative of Teachscope, or of any other person or entity.

4 4. Teachscope objects to these requests to the extent that they call for information not
5 within the possession, custody or control of Teachscope. Teachscope further objects to these requests
6 to the extent they seek information in the possession, custody or control of Plaintiffs or third parties,
7 or which is equally available to Plaintiffs through sources such as public records. The responses
8 given herein are based upon information reasonably available to Teachscope and documents within
9 Teachscope's possession, custody and control.

10 5. Teachscope objects to the definition of "Teachscope," "you," "your," and "yourself" as
11 overbroad.

12 6. Teachscope objects to each and every request to the extent it refers to "Teachscope's"
13 degree programs or courses. Teachscope is not an accredited university or college authorized to issue
14 any degree and hence has no degree program or courses of its own. Teachscope partners with
15 accredited schools and universities.

16 7. Teachscope objects to the definition "Canter's former employees" and to each and every
17 request referring to "Canter's former employees" to the extent that Teachscope is unaware of whether
18 persons who are or were employed by Teachscope, or are or were independent contractors of
19 Teachscope, were employed by, or were independent contractors, of Canter or Laureate.

20 8. Teachscope objects to the definition of "relating to" and each and every request including
21 the phrase "relating to" to the extent it renders the requests vague, ambiguous and/or unintelligible
22 and/or overbroad.

23 9. Teachscope objects to each and every request as overbroad as to time and scope, in
24 particular, to the extent it seeks documents unlimited by any time frame.

25 10. Teachscope objects to these requests to the extent they seek disclosure of Teachscope's
26 trade secrets or confidential proprietary, business, or commercial information. Teachscope will not
27
28

1 produce such information absent an appropriate protective order entered by the Court in the above-
2 captioned matter and absent a showing such disclosure is warranted.

3 11. Teachscape objects to these requests to the extent they seek trade secrets or confidential
4 proprietary, business, or commercial information of any person or entity not a party to this action.

5 12. Teachscape objects to each and every request to the extent that they seek documents
6 and/or information that goes beyond the permissible scope of discovery of trade secrets and other
7 proprietary information, and insofar as Plaintiffs have failed to described their purported trade secrets
8 with reasonable particularity.

9 13. Teachscape objects to these requests on the ground that they are premature, as a Motion
10 to Dismiss the above-captioned matter is pending before this Court.

11 14. To the extent the requests seek electronically stored information, Teachscape objects to
12 the requests as overly broad and unduly burdensome to the extent each purports to require
13 Teachscape to search vast volumes of computer data, including, but not limited to, deleted data,
14 archived or backup data stored in multiple locations, or data which is otherwise not reasonably
15 accessible.

16 15. To the extent the requests seek electronically stored information, the request did not
17 specify a form of production of the requested electronically stored information. Teachscape objects
18 to the production of electronically stored information in a form including metadata and/or source
19 codes to the extent such production involves privileged or confidential information, and to the extent
20 production of which would impose an undue burden or cost on Teachscape.

21 16. Teachscape objects to these requests to the extent they seek to impose any burden or
22 obligation in excess of the requirements of Federal Rules of Civil Procedure 26 or 34. Teachscape
23 further objects to these requests to the extent they require Teachscape to incur any expense in
24 assembling a chart, compilation or electronic database in order to respond to these requests.

25 The foregoing objections are incorporated by reference into each and every one of the
26 following responses:
27
28

OBJECTIONS AND RESPONSES TO REQUESTS FOR PRODUCTION**REQUEST NO. 1:**

Final versions and the earliest available drafts of documents and things intended to be, actually sent to, or made available to students or teachers relating to Teachscape's "Teacher as Leader" course, such as course websites, DVDs, videos, video media files, CDs, audio media files, syllabi, course packets, study resources, articles, texts, course log-ins, quizzes, tests, course outlines, and grading keys.

RESPONSE TO REQUEST NO. 1:

Teachscape objects to this request on the grounds that it is generally vague and ambiguous and specifically vague and ambiguous as to the words and phrases "earliest available," "drafts," "intended to be," and "made available." Teachscape further objects to this request on the ground that it calls for the production of confidential, proprietary and/or trade secret information of Teachscape, and Teachscape will not produce any such information absent entry of an appropriate protective order. Teachscape also objects to this request to the extent that it calls for the production of non-party(ies)' confidential, proprietary and/or trade secret information. Teachscape further objects to this request to the extent that it calls for the production of documents neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence. Teachscape further objects to this request to the extent that it calls for the production of documents that are not in the possession, custody or control of Teachscape. Teachscape further objects to this request to the extent that it calls for the production of documents that are publicly available to Plaintiffs. Teachscape further objects to this request on the ground and to the extent that it is duplicative of other requests contained herein.

Subject to and without waiving the foregoing specific and general objections set forth above, Teachscape responds as follows:

Should the Court deny Teachscape's Motion To Dismiss, Teachscape will produce responsive, non-privileged documents at a mutually convenient time and place upon entry of an

1 appropriate protective order.

2 **REQUEST NO. 2:**

3 Final versions and the earliest available drafts of documents and things intended to be,
4 actually sent to, or made available to students or teachers relating to Teachscape's
5 "Understanding Teaching and Learning" course, such as course websites, DVDs, videos, video
6 media files, CDs, audio media files, syllabi, course packets, study resources, articles, texts,
7 course log-ins, quizzes, tests, course outlines, and grading keys.

8 **RESPONSE TO REQUEST NO. 2:**

9 Teachscape objects to this request on the grounds that it is generally vague and ambiguous
10 and specifically vague and ambiguous as to the words and phrases "earliest available," "drafts,"
11 "intended to be," and "made available." Teachscape further objects to this request on the
12 grounds that it is overly broad, unduly burdensome and oppressive. Teachscape further objects
13 to this request on the ground that it calls for the production of confidential, proprietary and/or
14 trade secret information of Teachscape, and Teachscape will not produce any such information
15 absent entry of an appropriate protective order. Teachscape also objects to this request to the
16 extent that it calls for the production of non-party(ies)' confidential, proprietary and/or trade
17 secret information. Teachscape further objects to this request to the extent that it calls for the
18 production of documents neither relevant to the subject matter of the pending action nor
19 reasonably calculated to lead to the discovery of admissible evidence. Teachscape further
20 objects to this request to the extent that it calls for the production of documents that are not in
21 the possession, custody or control of Teachscape. Teachscape further objects to this request to
22 the extent that it calls for the production of documents that are publicly available to Plaintiffs.
23 Teachscape further objects to this request on the ground and to the extent that it is duplicative of
24 other requests contained herein.

25 Subject to and without waiving the foregoing specific and general objections set forth
26 above, Teachscape responds as follows:

Should the Court deny Teachscape's Motion To Dismiss, Teachscape will produce responsive, non-privileged documents at a mutually convenient time and place upon entry of an appropriate protective order.

REQUEST NO. 3:

Final versions and the earliest available drafts of documents and things intended to be, actually sent to, or made available to students or teachers relating to Teachscape's "Instructional Design; Effective Assessment" course, such as course websites, DVDs, videos, video media files, CDs, audio media files, syllabi, course packets, study resources, articles, texts, course log-ins, quizzes, tests, course outlines, and grading keys.

RESPONSE TO REQUEST NO. 3:

Teachscape objects to this request on the grounds that it is generally vague and ambiguous and specifically vague and ambiguous as to the words and phrases "earliest available," "drafts," "intended to be," and "made available." Teachscape further objects to this request on the grounds that it is overly broad, unduly burdensome and oppressive. Teachscape further objects to this request on the ground that it calls for the production of confidential, proprietary and/or trade secret information of Teachscape, and Teachscape will not produce any such information absent entry of an appropriate protective order. Teachscape also objects to this request to the extent that it calls for the production of non-party(ies)' confidential, proprietary and/or trade secret information. Teachscape further objects to this request on the ground that it calls for the production of documents neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence. Teachscape further objects to this request to the extent that it calls for the production of documents that are not in the possession, custody or control of Teachscape. Teachscape further objects to this request to the extent that it calls for the production of documents that are publicly available to Plaintiffs. Teachscape further objects to this request on the ground and to the extent that it is duplicative of other requests contained herein.

Subject to and without waiving the foregoing specific and general objections set forth

1 above, Teachscape responds as follows:

2 Should the Court deny Teachscape's Motion To Dismiss, Teachscape will produce
3 responsive, non-privileged documents at a mutually convenient time and place upon entry of an
4 appropriate protective order.

5 **REQUEST NO. 4:**

6 Final versions and the earliest available drafts of documents and things intended to be,
7 actually sent to, or made available to students or teachers relating to Teachscape's "Teacher as
8 Researcher" course, such as course websites, DVDs, videos, video media files, CDs, audio
9 media files, syllabi, course packets, study resources, articles, texts, course log-ins, quizzes, tests,
10 course outlines, and grading keys.

11 **RESPONSE TO REQUEST NO. 4:**

12 Teachscape objects to this request on the grounds that it is generally vague and ambiguous
13 and specifically vague and ambiguous as to the words and phrases "earliest available," "drafts,"
14 "intended to be," and "made available." Teachscape further objects to this request on the
15 grounds that it is overly broad, unduly burdensome and oppressive. Teachscape further objects
16 to this request on the ground that it calls for the production of confidential, proprietary and/or
17 trade secret information of Teachscape, and Teachscape will not produce any such information
18 absent entry of an appropriate protective order. Teachscape also objects to this request to the
19 extent it calls for the production of non-party(ies)' confidential, proprietary and/or trade secret
20 information. Teachscape further objects to this request to the extent that it calls for the
21 production of documents neither relevant to the subject matter of the pending action nor
22 reasonably calculated to lead to the discovery of admissible evidence. Teachscape further
23 objects to this request to the extent that it calls for the production of documents that are not in
24 the possession, custody or control of Teachscape. Teachscape further objects to this request to
25 the extent that it calls for the production of documents that are publicly available to Plaintiffs.
26 Teachscape further objects to this request on the ground and to the extent that it is duplicative of
27 other requests contained herein.
28

1 Subject to and without waiving the foregoing specific and general objections set forth
2 above, Teachscape responds as follows:

3 Should the Court deny Teachscape's Motion To Dismiss, Teachscape will produce
4 responsive, non-privileged documents at a mutually convenient time and place upon entry of an
5 appropriate protective order.

6 **REQUEST NO. 5:**

7 Final versions and the earliest available drafts of documents and things intended to be,
8 actually sent to, or made available to students or teachers relating to Teachscape's "Meeting the
9 Needs of All Students" course, such as course websites, DVDs, videos, video media files, CDs,
10 audio media files, syllabi, course packets, study resources, articles, texts, course log-ins, quizzes,
11 tests, course outlines, and grading keys.

12 **RESPONSE TO REQUEST NO. 5:**

13 Teachscape objects to this request on the grounds that it is generally vague and ambiguous
14 and specifically vague and ambiguous as to the words and phrases "earliest available," "drafts,"
15 "intended to be," and "made available." Teachscape further objects to this request on the
16 grounds that it is overly broad, unduly burdensome and oppressive. Teachscape further objects
17 to this request on the ground that it calls for the production of confidential, proprietary and/or
18 trade secret information of Teachscape, and Teachscape will not produce any such information
19 absent entry of an appropriate protective order. Teachscape also objects to this request to the
20 extent it calls for the production of non-party(ies)' confidential, proprietary and/or trade secret
21 information. Teachscape further objects to this request to the extent that it calls for the
22 production of documents neither relevant to the subject matter of the pending action nor
23 reasonably calculated to lead to the discovery of admissible evidence. Teachscape further
24 objects to this request to the extent that it calls for the production of documents that are not in
25 the possession, custody or control of Teachscape. Teachscape further objects to this request to
26 the extent that it calls for the production of documents that are publicly available to Plaintiffs.
27 Teachscape further objects to this request on the ground and to the extent that it is duplicative of
28

1 other requests contained herein.

2 Subject to and without waiving the foregoing specific and general objections set forth
3 above, Teachscape responds as follows:

4 Should the Court deny Teachscape's Motion To Dismiss, Teachscape will produce
5 responsive, non-privileged documents at a mutually convenient time and place upon entry of an
6 appropriate protective order.

7 **REQUEST NO. 6:**

8 Final versions and the earliest available drafts of documents and things intended to be,
9 actually sent to, or made available to students or teachers relating to Teachscape's "Foundations
10 of Reading and Literacy" course, such as course websites, DVDs, videos, video media files,
11 CDs, audio media files, syllabi, course packets, study resources, articles, texts, course log-ins,
12 quizzes, tests, course outlines, and grading keys.

13 **RESPONSE TO REQUEST NO. 6:**

14 Teachscape objects to this request on the grounds that it is generally vague and ambiguous
15 and specifically vague and ambiguous as to the words and phrases "earliest available," "drafts,"
16 "intended to be," and "made available." Teachscape further objects to this request on the
17 grounds that it is overly broad, unduly burdensome and oppressive. Teachscape further objects
18 to this request on the ground that it calls for the production of confidential, proprietary and/or
19 trade secret information of Teachscape, and Teachscape will not produce any such information
20 absent entry of an appropriate protective order. Teachscape also objects to this request to the
21 extent it calls for the production of non-party(ies)' confidential, proprietary and/or trade secret
22 information. Teachscape further objects to this request to the extent that it calls for the
23 production of documents neither relevant to the subject matter of the pending action nor
24 reasonably calculated to lead to the discovery of admissible evidence. Teachscape further
25 objects to this request to the extent that it calls for the production of documents that are not in
26 the possession, custody or control of Teachscape. Teachscape further objects to this request to
27 the extent that it calls for the production of documents that are publicly available to Plaintiffs.
28

1 Teachscape further objects to this request on the ground and to the extent that it is duplicative of
2 other requests contained herein.

3 Subject to and without waiving the foregoing specific and general objections set forth
4 above, Teachscape responds as follows:

5 Should the Court deny Teachscape's Motion To Dismiss, Teachscape will produce
6 responsive, non-privileged documents at a mutually convenient time and place upon entry of an
7 appropriate protective order.

8 **REQUEST NO. 7:**

9 Final versions and the earliest available drafts of documents and things intended to be,
10 actually sent to, or made available to students or teachers relating to Teachscape's "Assessment
11 & Intervention for Struggling Readers" course, such as course websites, DVDs, videos, video
12 media files, CDs, audio media files, syllabi, course packets, study resources, articles, texts,
13 course log-ins, quizzes, tests, course outlines, and grading keys.

14 **RESPONSE TO REQUEST NO. 7:**

15 Teachscape objects to this request on the grounds that it is generally vague and ambiguous
16 and specifically vague and ambiguous as to the words and phrases "earliest available," "drafts,"
17 "intended to be," and "made available." Teachscape further objects to this request on the
18 grounds that it is overly broad, unduly burdensome and oppressive. Teachscape further objects
19 to this request on the ground that it calls for the production of confidential, proprietary and/or
20 trade secret information of Teachscape, and Teachscape will not produce any such information
21 absent entry of an appropriate protective order. Teachscape also objects to this request to the
22 extent it calls for the production of non-party(ies)' confidential, proprietary and/or trade secret
23 information. Teachscape further objects to this request to the extent that it calls for the
24 production of documents neither relevant to the subject matter of the pending action nor
25 reasonably calculated to lead to the discovery of admissible evidence. Teachscape further
26 objects to this request to the extent that it calls for the production of documents that are not in
27 the possession, custody or control of Teachscape. Teachscape further objects to this request to
28

1 the extent that it calls for the production of documents that are publicly available to Plaintiffs.
2 Teachscape further objects to this request on the ground and to the extent that it is duplicative of
3 other requests contained herein.

4 Subject to and without waiving the foregoing specific and general objections set forth
5 above, Teachscape responds as follows:

6 Should the Court deny Teachscape's Motion To Dismiss, Teachscape will produce
7 responsive, non-privileged documents at a mutually convenient time and place upon entry of an
8 appropriate protective order.

9 **REQUEST NO. 8:**

10 Final versions and the earliest available drafts of documents and things intended to be,
11 actually sent to, or made available to students or teachers relating to Teachscape's "Reading in
12 the Content Areas" course, such as course websites, DVDs, videos, video media files, CDs,
13 audio media files, syllabi, course packets, study resources, articles, texts, course log-ins, quizzes,
14 tests, course outlines, and grading keys.

15 **RESPONSE TO REQUEST NO. 8:**

16 Teachscape objects to this request on the grounds that it is generally vague and ambiguous
17 and specifically vague and ambiguous as to the words and phrases "earliest available," "drafts,"
18 "intended to be," and "made available." Teachscape further objects to this request on the
19 grounds that it is overly broad, unduly burdensome and oppressive. Teachscape further objects
20 to this request on the ground that it calls for the production of confidential, proprietary and/or
21 trade secret information of Teachscape, and Teachscape will not produce any such information
22 absent entry of an appropriate protective order. Teachscape also objects to this request to the
23 extent it calls for the production of non-party(ies)' confidential, proprietary and/or trade secret
24 information. Teachscape further objects to this request to the extent that it calls for the
25 production of documents neither relevant to the subject matter of the pending action nor
26 reasonably calculated to lead to the discovery of admissible evidence. Teachscape further
27 objects to this request to the extent that it calls for the production of documents that are not in
28

1 the possession, custody or control of Teachscape. Teachscape further objects to this request to
2 the extent that it calls for the production of documents that are publicly available to Plaintiffs.
3 Teachscape further objects to this request on the ground and to the extent that it is duplicative of
4 other requests contained herein.

5 Subject to and without waiving the foregoing specific and general objections set forth
6 above, Teachscape responds as follows:

7 Should the Court deny Teachscape's Motion To Dismiss, Teachscape will produce
8 responsive, non-privileged documents at a mutually convenient time and place upon entry of an
9 appropriate protective order.

10 **REQUEST NO. 9:**

11 Final versions and the earliest available drafts of documents and things intended to be,
12 actually sent to, or made available to students or teachers relating to Teachscape's "Master in
13 Art of Teaching with a Focus on Elementary Reading & Literacy K-6" degree program offered
14 through Marygrove, such as course websites, DVDs, videos, video media files, CDs, audio
15 media files, syllabi, course packets, study resources, articles, texts, course log-ins, quizzes, tests,
16 course outlines, and grading keys.

17 **RESPONSE TO REQUEST NO. 9:**

18 Teachscape objects to this request on the grounds that it is generally vague and ambiguous
19 and specifically vague and ambiguous as to the words and phrases "earliest available," "drafts,"
20 "intended to be," and "made available." Teachscape further objects to this request on the
21 grounds that it is overly broad, unduly burdensome and oppressive. Teachscape further objects
22 to this request on the ground that it calls for the production of confidential, proprietary and/or
23 trade secret information of Teachscape, and Teachscape will not produce any such information
24 absent entry of an appropriate protective order. Teachscape also objects to this request on the
25 ground that it calls for the production of non-party(ies)' confidential, proprietary and/or trade
26 secret information. Teachscape further objects to this request to the extent that it calls for the
27 production of documents neither relevant to the subject matter of the pending action nor
28

1 reasonably calculated to lead to the discovery of admissible evidence. Teachscape further
2 objects to this request to the extent that it calls for the production of documents that are not in
3 the possession, custody or control of Teachscape. Teachscape further objects to this request to
4 the extent that it calls for the production of documents that are publicly available to Plaintiffs.
5 Teachscape further objects to this request on the ground and to the extent that it is duplicative of
6 other requests contained herein.

7 Subject to and without waiving the foregoing specific and general objections set forth
8 above, Teachscape responds as follows:

9 Should the Court deny Teachscape's Motion To Dismiss, Teachscape will produce
10 responsive, non-privileged documents at a mutually convenient time and place upon entry of an
11 appropriate protective order.

12 **REQUEST NO. 10:**

13 Final versions and the earliest available drafts of documents and things intended to be,
14 actually sent to, or made available to students or teachers relating to Teachscape's "Master in
15 Education in Reading & Literacy, K-6" degree program advertised in or around September
16 2006, such as course websites, DVDs, videos, video media files, CDs, audio media files, syllabi,
17 course packets, study resources, articles, texts, course log-ins, quizzes, tests, course outlines, and
18 grading keys.

19 **RESPONSE TO REQUEST NO. 10:**

20 Teachscape objects to this request on the grounds that it is generally vague and ambiguous
21 and specifically vague and ambiguous as to the words and phrases "earliest available," "drafts,"
22 "intended to be," "made available" and "advertised." Teachscape also objects to this request to
23 the extent it calls for speculation and lacks foundation. Teachscape further objects to this
24 request on the grounds that it is overly broad, unduly burdensome and oppressive. Teachscape
25 further objects to this request to the extent it calls for the production of confidential, proprietary
26 and/or trade secret information of Teachscape, and Teachscape will not produce any such
27 information absent entry of an appropriate protective order. Teachscape objects to this request
28

1 on the ground that it calls for the production of non-party(ies)' confidential, proprietary and/or
2 trade secret information. Teachscape further objects to this request on the ground that it calls for
3 the production of documents neither relevant to the subject matter of the pending action nor
4 reasonably calculated to lead to the discovery of admissible evidence. Teachscape also objects
5 to this request to the extent that it calls for the production of documents that are not in the
6 possession, custody or control of Teachscape. Teachscape additionally objects to this request to
7 the extent that it calls for the production of documents that are publicly available to Plaintiffs.
8 Teachscape further objects to this request on the ground and to the extent that it is duplicative of
9 other requests contained herein.

10 Subject to and without waiving the foregoing specific and general objections set forth
11 above, Teachscape responds as follows:

12 Should the Court deny Teachscape's Motion To Dismiss, Teachscape will produce
13 responsive, non-privileged documents at a mutually convenient time and place upon entry of an
14 appropriate protective order.

15 **REQUEST NO. 11:**

16 Final versions and the earliest available drafts of documents and things intended to be,
17 actually sent to, or made available to students or teachers relating to Teachscape's "Problem
18 Solving and Number & Operations, Grades K-5" course, such as course websites, DVDs,
19 videos, video media files, CDs, audio media files, syllabi, course packets, study resources,
20 articles, texts, course log-ins, quizzes, tests, course outlines, and grading keys.

21 **RESPONSE TO REQUEST NO. 11:**

22 Teachscape objects to this request on the grounds that it is generally vague and ambiguous
23 and specifically vague and ambiguous as to the words and phrases "earliest available," "drafts,"
24 "intended to be," and "made available." Teachscape further objects to this request on the
25 grounds that it is overly broad, unduly burdensome and oppressive. Teachscape further objects
26 to this request on the ground that it calls for the production of confidential, proprietary and/or
27 trade secret information of Teachscape, and Teachscape will not produce any such information
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absent entry of an appropriate protective order. Teachscape also objects to this request to the extent it calls for the production of non-party(ies)' confidential, proprietary and/or trade secret information. Teachscape further objects to this request to the extent that it calls for the production of documents neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence. Teachscape further objects to this request to the extent that it calls for the production of documents that are not in the possession, custody or control of Teachscape. Teachscape further objects to this request to the extent that it calls for the production of documents that are publicly available to Plaintiffs. Teachscape further objects to this request on the ground and to the extent that it is duplicative of other requests contained herein.

Subject to and without waiving the foregoing specific and general objections set forth above, Teachscape responds as follows:

Should the Court deny Teachscape's Motion To Dismiss, Teachscape will produce responsive, non-privileged documents at a mutually convenient time and place upon entry of an appropriate protective order.

REQUEST NO. 12:

Final versions and the earliest available drafts of documents and things intended to be, actually sent to, or made available to students or teachers relating to Teachscape's "Problem Solving and Number & Operations, Grades 6-8" course, such as course websites, DVDs, videos, video media files, CDs, audio media files, syllabi, course packets, study resources, articles, texts, course log-ins, quizzes, tests, course outlines, and grading keys.

RESPONSE TO REQUEST NO. 12:

Teachscape objects to this request on the grounds that it is generally vague and ambiguous and specifically vague and ambiguous as to the words and phrases "earliest available," "drafts," "intended to be," and "made available." Teachscape further objects to this request on the grounds that it is overly broad, unduly burdensome and oppressive. Teachscape further objects to this request on the ground that it calls for the production of confidential, proprietary and/or

1 trade secret information of Teachscape, and Teachscape will not produce any such information
2 absent entry of an appropriate protective order. Teachscape also objects to this request to the
3 extent it calls for the production of non-party(ies)' confidential, proprietary and/or trade secret
4 information. Teachscape further objects to this request to the extent that it calls for the
5 production of documents neither relevant to the subject matter of the pending action nor
6 reasonably calculated to lead to the discovery of admissible evidence. Teachscape further
7 objects to this request to the extent that it calls for the production of documents that are not in
8 the possession, custody or control of Teachscape. Teachscape further objects to this request to
9 the extent that it calls for the production of documents that are publicly available to Plaintiffs.
10 Teachscape further objects to this request on the ground and to the extent that it is duplicative of
11 other requests contained herein.

12 Subject to and without waiving the foregoing specific and general objections set forth
13 above, Teachscape responds as follows:

14 Should the Court deny Teachscape's Motion To Dismiss, Teachscape will produce
15 responsive, non-privileged documents at a mutually convenient time and place upon entry of an
16 appropriate protective order.

17 **REQUEST NO. 13:**

18 Final versions and the earliest available drafts of documents and things intended to be,
19 actually sent to, or made available to students or teachers relating to Teachscape's
20 "Measurement and Geometry, Grades K-5" course, such as course websites, DVDs, videos,
21 video media files, CDs, audio media files, syllabi, course packets, study resources, articles, texts,
22 course log-ins, quizzes, tests, course outlines, and grading keys.

23 **RESPONSE TO REQUEST NO. 13:**

24 Teachscape objects to this request on the grounds that it is generally vague and ambiguous
25 and specifically vague and ambiguous as to the words and phrases "earliest available," "drafts,"
26 "intended to be," and "made available." Teachscape further objects to this request on the
27 grounds that it is overly broad, unduly burdensome and oppressive. Teachscape further objects
28

1 to this request on the ground that it calls for the production of confidential, proprietary and/or
2 trade secret information of Teachscope, and Teachscope will not produce any such information
3 absent entry of an appropriate protective order. Teachscope also objects to this request to the
4 extent it calls for the production of non-party(ies)' confidential, proprietary and/or trade secret
5 information. Teachscope further objects to this request to the extent that it calls for the
6 production of documents neither relevant to the subject matter of the pending action nor
7 reasonably calculated to lead to the discovery of admissible evidence. Teachscope further
8 objects to this request to the extent that it calls for the production of documents that are not in
9 the possession, custody or control of Teachscope. Teachscope further objects to this request to
10 the extent that it calls for the production of documents that are publicly available to Plaintiffs.
11 Teachscope further objects to this request on the ground and to the extent that it is duplicative of
12 other requests contained herein.

13 Subject to and without waiving the foregoing specific and general objections set forth
14 above, Teachscope responds as follows:

15 Should the Court deny Teachscope's Motion To Dismiss, Teachscope will produce
16 responsive, non-privileged documents at a mutually convenient time and place upon entry of an
17 appropriate protective order.

18 **REQUEST NO. 14:**

19 Final versions and the earliest available drafts of documents and things intended to be,
20 actually sent to, or made available to students or teachers relating to Teachscope's
21 "Measurement and Geometry, Grades 6-8" course, such as course websites, DVDs, videos,
22 video media files, CDs, audio media files, syllabi, course packets, study resources, articles, texts,
23 course log-ins, quizzes, tests, course outlines, and grading keys.

24 **RESPONSE TO REQUEST NO. 14:**

25 Teachscope objects to this request on the grounds that it is generally vague and ambiguous
26 and specifically vague and ambiguous as to the words and phrases "earliest available," "drafts,"
27 "intended to be," and "made available." Teachscope further objects to this request on the
28

1 grounds that it is overly broad, unduly burdensome and oppressive. Teachscape further objects
2 to this request on the ground that it calls for the production of confidential, proprietary and/or
3 trade secret information of Teachscape, and Teachscape will not produce any such information
4 absent entry of an appropriate protective order. Teachscape also objects to this request to the
5 extent it calls for the production of non-party(ies)' confidential, proprietary and/or trade secret
6 information. Teachscape further objects to this request to the extent that it calls for the
7 production of documents neither relevant to the subject matter of the pending action nor
8 reasonably calculated to lead to the discovery of admissible evidence. Teachscape further
9 objects to this request to the extent that it calls for the production of documents that are not in
10 the possession, custody or control of Teachscape. Teachscape further objects to this request to
11 the extent that it calls for the production of documents that are publicly available to Plaintiffs.
12 Teachscape further objects to this request on the ground and to the extent that it is duplicative of
13 other requests contained herein.

14 Subject to and without waiving the foregoing specific and general objections set forth
15 above, Teachscape responds as follows:

16 Should the Court deny Teachscape's Motion To Dismiss, Teachscape will produce
17 responsive, non-privileged documents at a mutually convenient time and place upon entry of an
18 appropriate protective order.

19 **REQUEST NO. 15:**

20 Final versions and the earliest available drafts of documents and things intended to be,
21 actually sent to, or made available to students or teachers relating to Teachscape's "Algebra,
22 Grades K-5" course, such as course websites, DVDs, videos, video media files, CDs, audio
23 media files, syllabi, course packets, study resources, articles, texts, course log-ins, quizzes, tests,
24 course outlines, and grading keys.

25 **RESPONSE TO REQUEST NO. 15:**

26 Teachscape objects to this request on the grounds that it is generally vague and ambiguous
27 and specifically vague and ambiguous as to the words and phrases "earliest available," "drafts,"
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1 “intended to be,” and “made available.” Teachscape further objects to this request on the
2 grounds that it is overly broad, unduly burdensome and oppressive. Teachscape further objects
3 to this request on the ground that it calls for the production of confidential, proprietary and/or
4 trade secret information of Teachscape, and Teachscape will not produce any such information
5 absent entry of an appropriate protective order. Teachscape also objects to this request to the
6 extent it calls for the production of non-party(ies)’ confidential, proprietary and/or trade secret
7 information. Teachscape further objects to this request to the extent that it calls for the
8 production of documents neither relevant to the subject matter of the pending action nor
9 reasonably calculated to lead to the discovery of admissible evidence. Teachscape further
10 objects to this request to the extent that it calls for the production of documents that are not in
11 the possession, custody or control of Teachscape. Teachscape further objects to this request to
12 the extent that it calls for the production of documents that are publicly available to Plaintiffs.
13 Teachscape further objects to this request on the ground and to the extent that it is duplicative of
14 other requests contained herein.

15 Subject to and without waiving the foregoing specific and general objections set forth
16 above, Teachscape responds as follows:

17 Should the Court deny Teachscape’s Motion To Dismiss, Teachscape will produce
18 responsive, non-privileged documents at a mutually convenient time and place upon entry of an
19 appropriate protective order.

20 **REQUEST NO. 16:**

21 Final versions and the earliest available drafts of documents and things intended to be,
22 actually sent to, or made available to students or teachers relating to Teachscape’s “Algebra,
23 Grades 6-8” course, such as course websites, DVDs, videos, video media files, CDs, audio
24 media files, syllabi, course packets, study resources, articles, texts, course log-ins, quizzes, tests,
25 course outlines, and grading keys.

26 **RESPONSE TO REQUEST NO. 16:**

27 Teachscape objects to this request on the grounds that it is generally vague and ambiguous
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1 and specifically vague and ambiguous as to the words and phrases “earliest available,” “drafts,”
2 “intended to be,” and “made available.” Teachscape further objects to this request on the
3 grounds that it is overly broad, unduly burdensome and oppressive. Teachscape further objects
4 to this request on the ground that it calls for the production of confidential, proprietary and/or
5 trade secret information of Teachscape, and Teachscape will not produce any such information
6 absent entry of an appropriate protective order. Teachscape also objects to this request to the
7 extent it calls for the production of non-party(ies)’ confidential, proprietary and/or trade secret
8 information. Teachscape further objects to this request to the extent that it calls for the
9 production of documents neither relevant to the subject matter of the pending action nor
10 reasonably calculated to lead to the discovery of admissible evidence. Teachscape further
11 objects to this request to the extent that it calls for the production of documents that are not in
12 the possession, custody or control of Teachscape. Teachscape further objects to this request to
13 the extent that it calls for the production of documents that are publicly available to Plaintiffs.
14 Teachscape further objects to this request on the ground and to the extent that it is duplicative of
15 other requests contained herein.

16 Subject to and without waiving the foregoing specific and general objections set forth
17 above, Teachscape responds as follows:

18 Should the Court deny Teachscape’s Motion To Dismiss, Teachscape will produce
19 responsive, non-privileged documents at a mutually convenient time and place upon entry of an
20 appropriate protective order.

21 **REQUEST NO. 17:**

22 Final versions and the earliest available drafts of documents and things intended to be,
23 actually sent to, or made available to students or teachers relating to Teachscape’s “Data
24 Analysis and Probability, Grades K-5” course, such as course websites, DVDs, videos, video
25 media files, CDs, audio media files, syllabi, course packets, study resources, articles, texts,
26 course log-ins, quizzes, tests, course outlines, and grading keys.

27 **RESPONSE TO REQUEST NO. 17:**

1 Teachscape objects to this request on the grounds that it is generally vague and ambiguous
2 and specifically vague and ambiguous as to the words and phrases “earliest available,” “drafts,”
3 “intended to be,” and “made available.” Teachscape further objects to this request on the
4 grounds that it is overly broad, unduly burdensome and oppressive. Teachscape further objects
5 to this request on the ground that it calls for the production of confidential, proprietary and/or
6 trade secret information of Teachscape, and Teachscape will not produce any such information
7 absent entry of an appropriate protective order. Teachscape also objects to this request to the
8 extent it calls for the production of non-party(ies)’ confidential, proprietary and/or trade secret
9 information. Teachscape further objects to this request to the extent that it calls for the
10 production of documents neither relevant to the subject matter of the pending action nor
11 reasonably calculated to lead to the discovery of admissible evidence. Teachscape further
12 objects to this request to the extent that it calls for the production of documents that are not in
13 the possession, custody or control of Teachscape. Teachscape further objects to this request to
14 the extent that it calls for the production of documents that are publicly available to Plaintiffs.
15 Teachscape further objects to this request on the ground and to the extent that it is duplicative of
16 other requests contained herein.

17 Subject to and without waiving the foregoing specific and general objections set forth
18 above, Teachscape responds as follows:

19 Should the Court deny Teachscape’s Motion To Dismiss, Teachscape will produce
20 responsive, non-privileged documents at a mutually convenient time and place upon entry of an
21 appropriate protective order.

22 **REQUEST NO. 18:**

23 Final versions and the earliest available drafts of documents and things intended to be,
24 actually sent to, or made available to students or teachers relating to Teachscape’s “Data
25 Analysis and Probability, Grades 6-8” course, such as course websites, DVDs, videos, video
26 media files, CDs, audio media files, syllabi, course packets, study resources, articles, texts,
27 course log-ins, quizzes, tests, course outlines, and grading keys.

RESPONSE TO REQUEST NO. 18:

Teachscape objects to this request on the grounds that it is generally vague and ambiguous and specifically vague and ambiguous as to the words and phrases “earliest available,” “drafts,” “intended to be,” and “made available.” Teachscape further objects to this request on the grounds that it is overly broad, unduly burdensome and oppressive. Teachscape further objects to this request on the ground that it calls for the production of confidential, proprietary and/or trade secret information of Teachscape, and Teachscape will not produce any such information absent entry of an appropriate protective order. Teachscape also objects to this request to the extent it calls for the production of non-party(ies)’ confidential, proprietary and/or trade secret information. Teachscape further objects to this request to the extent that it calls for the production of documents neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence. Teachscape further objects to this request to the extent that it calls for the production of documents that are not in the possession, custody or control of Teachscape. Teachscape further objects to this request to the extent that it calls for the production of documents that are publicly available to Plaintiffs. Teachscape further objects to this request on the ground and to the extent that it is duplicative of other requests contained herein.

Subject to and without waiving the foregoing specific and general objections set forth above, Teachscape responds as follows:

Should the Court deny Teachscape’s Motion To Dismiss, Teachscape will produce responsive, non-privileged documents at a mutually convenient time and place upon entry of an appropriate protective order.

REQUEST NO. 19:

Final versions and the earliest available drafts of documents and things intended to be, actually sent to, or made available to students or teachers relating to Teachscape’s “Master in Art of Teaching with a Focus on Elementary Mathematics, Grades K-5” degree program offered through Marygrove, such as course websites, DVDs, videos, video media files, CDs, audio

media files, syllabi, course packets, study resources, articles, texts, course log-ins, quizzes, tests, course outlines, and grading keys.

RESPONSE TO REQUEST NO. 19:

Teachscape objects to this request on the grounds that it is generally vague and ambiguous and specifically vague and ambiguous as to the words and phrases “earliest available,” “drafts,” “intended to be,” and “made available.” Teachscape further objects to this request on the grounds that it is overly broad, unduly burdensome and oppressive. Teachscape further objects to this request on the ground that it calls for the production of confidential, proprietary and/or trade secret information of Teachscape, and Teachscape will not produce any such information absent entry of an appropriate protective order. Teachscape also objects to this request on the ground that it calls for the production of non-party(ies)’ confidential, proprietary and/or trade secret information. Teachscape further objects to this request to the extent that it calls for the production of documents neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence. Teachscape further objects to this request to the extent that it calls for the production of documents that are not in the possession, custody or control of Teachscape. Teachscape further objects to this request to the extent that it calls for the production of documents that are publicly available to Plaintiffs. Teachscape further objects to this request on the ground and to the extent that it is duplicative of other requests contained herein.

Subject to and without waiving the foregoing specific and general objections set forth above, Teachscape responds as follows:

Should the Court deny Teachscape’s Motion To Dismiss, Teachscape will produce responsive, non-privileged documents at a mutually convenient time and place upon entry of an appropriate protective order.

REQUEST NO. 20:

Final versions and the earliest available drafts of documents and things intended to be, actually sent to, or made available to students or teachers relating to Teachscape's "Master in Education in Mathematics, Grades K-5" degree program advertised in or around September 2006, such as course websites, DVDs, videos, video media files, CDs, audio media files, syllabi, course packets, study resources, articles, texts, course log-ins, quizzes, tests, course outlines, and grading keys.

RESPONSE TO REQUEST NO. 20:

Teachscape objects to this request on the grounds that it is generally vague and ambiguous and specifically vague and ambiguous as to the words and phrases "earliest available," "drafts," "intended to be," "made available" and "advertised." Teachscape also objects to this request to the extent it calls for speculation and lacks foundation. Teachscape further objects to this request on the grounds that it is overly broad, unduly burdensome and oppressive. Teachscape further objects to this request to the extent it calls for the production of confidential, proprietary and/or trade secret information of Teachscape, and Teachscape will not produce any such information absent entry of an appropriate protective order. Teachscape objects to this request on the ground that it calls for the production of non-party(ies)' confidential, proprietary and/or trade secret information. Teachscape further objects to this request on the ground that it calls for the production of documents neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence. Teachscape also objects to this request to the extent that it calls for the production of documents that are not in the possession, custody or control of Teachscape. Teachscape additionally objects to this request to the extent that it calls for the production of documents that are publicly available to Plaintiffs. Teachscape further objects to this request on the ground and to the extent that it is duplicative of other requests contained herein.

Subject to and without waiving the foregoing specific and general objections set forth above, Teachscape responds as follows:

1 Should the Court deny Teachscape's Motion To Dismiss, Teachscape will produce
2 responsive, non-privileged documents at a mutually convenient time and place upon entry of an
3 appropriate protective order.

4 **REQUEST NO. 21:**

5 Final versions and the earliest available drafts of documents and things intended to be,
6 actually sent to, or made available to students or teachers relating to Teachscape's "Master in
7 Art of Teaching with a Focus on Mathematics, Grades 6-8" degree program offered through
8 Marygrove, such as course websites, DVDs, videos, video media files, CDs, audio media files,
9 syllabi, course packets, study resources, articles, texts, course log-ins, quizzes, tests, course
10 outlines, and grading keys.

11 **RESPONSE TO REQUEST NO. 21:**

12 Teachscape objects to this request on the grounds that it is generally vague and ambiguous
13 and specifically vague and ambiguous as to the words and phrases "earliest available," "drafts,"
14 "intended to be," and "made available." Teachscape further objects to this request on the
15 grounds that it is overly broad, unduly burdensome and oppressive. Teachscape further objects
16 to this request on the ground that it calls for the production of confidential, proprietary and/or
17 trade secret information of Teachscape, and Teachscape will not produce any such information
18 absent entry of an appropriate protective order. Teachscape also objects to this request on the
19 ground that it calls for the production of non-party(ies)' confidential, proprietary and/or trade
20 secret information. Teachscape further objects to this request to the extent that it calls for the
21 production of documents neither relevant to the subject matter of the pending action nor
22 reasonably calculated to lead to the discovery of admissible evidence. Teachscape further
23 objects to this request to the extent that it calls for the production of documents that are not in
24 the possession, custody or control of Teachscape. Teachscape further objects to this request to
25 the extent that it calls for the production of documents that are publicly available to Plaintiffs.
26 Teachscape further objects to this request on the ground and to the extent that it is duplicative of
27 other requests contained herein.

1 Subject to and without waiving the foregoing specific and general objections set forth
2 above, Teachscape responds as follows:

3 Should the Court deny Teachscape's Motion To Dismiss, Teachscape will produce
4 responsive, non-privileged documents at a mutually convenient time and place upon entry of an
5 appropriate protective order.

6 **REQUEST NO. 22:**

7 Final versions and the earliest available drafts of documents and things intended to be,
8 actually sent to, or made available to students or teachers relating to Teachscape's "Master in
9 Education in Mathematics, Grades 6-8" degree program advertised in or around September
10 2006, such as course websites, DVDs, videos, video media files, CDs, audio media files, syllabi,
11 course packets, study resources, articles, texts, course log-ins, quizzes, tests, course outlines, and
12 grading keys.

13 **RESPONSE TO REQUEST NO. 22:**

14 Teachscape objects to this request on the grounds that it is generally vague and ambiguous
15 and specifically vague and ambiguous as to the words and phrases "earliest available," "drafts,"
16 "intended to be," "made available" and "advertised." Teachscape also objects to this request to
17 the extent it calls for speculation and lacks foundation. Teachscape further objects to this
18 request on the grounds that it is overly broad, unduly burdensome and oppressive. Teachscape
19 further objects to this request to the extent it calls for the production of confidential, proprietary
20 and/or trade secret information of Teachscape, and Teachscape will not produce any such
21 information absent entry of an appropriate protective order. Teachscape objects to this request
22 on the ground that it calls for the production of non-party(ies)' confidential, proprietary and/or
23 trade secret information. Teachscape further objects to this request on the ground that it calls for
24 the production of documents neither relevant to the subject matter of the pending action nor
25 reasonably calculated to lead to the discovery of admissible evidence. Teachscape also objects
26 to this request to the extent that it calls for the production of documents that are not in the
27 possession, custody or control of Teachscape. Teachscape additionally objects to this request to
28

1 the extent that it calls for the production of documents that are publicly available to Plaintiffs.
2 Teachscape further objects to this request on the ground and to the extent that it is duplicative of
3 other requests contained herein.

4 Subject to and without waiving the foregoing specific and general objections set forth
5 above, Teachscape responds as follows:

6 Should the Court deny Teachscape's Motion To Dismiss, Teachscape will produce
7 responsive, non-privileged documents at a mutually convenient time and place upon entry of an
8 appropriate protective order.

9 **REQUEST NO. 23:**

10 Final versions and the earliest available drafts of documents and things intended to be,
11 actually sent to, or made available to students or teachers relating to Teachscape's "Master in the
12 Art of Teaching with a Focus on Curriculum, Instruction & Assessment" degree program
13 advertised in or around September 2006, such as course websites, DVDs, videos, video media
14 files, CDs, audio media files, syllabi, course packets, study resources, articles, texts, course log-
15 ins, quizzes, tests, course outlines, and grading keys.

16 **RESPONSE TO REQUEST NO. 23:**

17 Teachscape objects to this request on the grounds that it is generally vague and ambiguous
18 and specifically vague and ambiguous as to the words and phrases "earliest available," "drafts,"
19 "intended to be," "made available" and "advertised." Teachscape also objects to this request to
20 the extent it calls for speculation and lacks foundation. Teachscape further objects to this
21 request on the grounds that it is overly broad, unduly burdensome and oppressive. Teachscape
22 further objects to this request to the extent it calls for the production of confidential, proprietary
23 and/or trade secret information of Teachscape, and Teachscape will not produce any such
24 information absent entry of an appropriate protective order. Teachscape objects to this request
25 on the ground that it calls for the production of non-party(ies)' confidential, proprietary and/or
26 trade secret information. Teachscape further objects to this request on the ground that it calls for
27 the production of documents neither relevant to the subject matter of the pending action nor
28

1 reasonably calculated to lead to the discovery of admissible evidence. Teachscape also objects
2 to this request to the extent that it calls for the production of documents that are not in the
3 possession, custody or control of Teachscape. Teachscape additionally objects to this request to
4 the extent that it calls for the production of documents that are publicly available to Plaintiffs.
5 Teachscape further objects to this request on the ground and to the extent that it is duplicative of
6 other requests contained herein.

7 Subject to and without waiving the foregoing specific and general objections set forth
8 above, Teachscape responds as follows:

9 Should the Court deny Teachscape's Motion To Dismiss, Teachscape will produce
10 responsive, non-privileged documents at a mutually convenient time and place upon entry of an
11 appropriate protective order.

12 **REQUEST NO. 24:**

13 All documents and things relating to the advertisement, promotion, and marketing of
14 Teachscape's "Master in the Art of Teaching with a Focus on Curriculum, Instruction &
15 Assessment" degree program advertised in or around September 2006, such as flyers, pamphlets,
16 circulars, newsletters, posters, video advertisements, audio advertisements, click-through
17 advertisements, web site links, web sites, marketing plans, marketing budgets, mailing lists, e-
18 mailing lists, responses to inquiries, and promotional scripts.

19 **RESPONSE TO REQUEST NO. 24:**

20 Teachscape objects to this request on the grounds that it is generally vague and ambiguous
21 and specifically vague and ambiguous as to the words "advertisement," "promotion,"
22 "marketing" and "advertised" and to the extent it calls for a legal conclusion. Teachscape also
23 objects to this request to the extent it calls for speculation and lacks foundation. Teachscape
24 further objects to this request on the grounds that it is overly broad, unduly burdensome and
25 oppressive. Teachscape further objects to this request to the extent it calls for the production of
26 documents protected by the attorney-client privilege, work product doctrine or other applicable
27 privilege or protection. Teachscape further objects to this request to the extent that it calls for
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1 the production of confidential, proprietary and/or trade secret information of Teachscape and/or
2 Marygrove, and Teachscape will not produce such information absent entry of an appropriate
3 protective order and subject to Marygrove's consent. Teachscape further objects to this request
4 on the ground that it calls for the production of documents neither relevant to the subject matter
5 of the pending action nor reasonably calculated to lead to the discovery of admissible evidence.
6 Teachscape further objects to this request to the extent that it calls for the production of
7 documents that are publicly available to Plaintiffs. Teachscape further objects to this request on
8 the ground and to the extent that it is duplicative of other requests.

9 Subject to and without waiving the foregoing specific and general objections set forth
10 above, Teachscape responds as follows:

11 Should the Court deny Teachscape's Motion To Dismiss, Teachscape will produce
12 responsive, non-privileged documents at a mutually convenient time and place upon entry of an
13 appropriate protective order.

14 **REQUEST NO. 25:**

15 All documents and things relating to the advertisement, promotion, and marketing of
16 Teachscape's "Master in Education in Reading & Literacy, K-6" degree program advertised in
17 or around September 2006, such as flyers, pamphlets, circulars, newsletters, posters, video
18 advertisements, audio advertisements, click-through advertisements, web site links, web sites,
19 marketing plans, marketing budgets, mailing lists, e-mailing lists, responses to inquiries, and
20 promotional scripts.

21 **RESPONSE TO REQUEST NO. 25:**

22 Teachscape objects to this request on the grounds that it is generally vague and ambiguous
23 and specifically vague and ambiguous as to the words "advertisement," "promotion,"
24 "marketing" and "advertised" and to the extent it calls for a legal conclusion. Teachscape also
25 objects to this request to the extent it calls for speculation and lacks foundation. Teachscape
26 further objects to this request on the grounds that it is overly broad, unduly burdensome and
27 oppressive. Teachscape further objects to this request to the extent it calls for the production of
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1 documents protected by the attorney-client privilege, work product doctrine or other applicable
2 privilege or protection. Teachscape further objects to this request to the extent that it calls for
3 the production of confidential, proprietary and/or trade secret information of Teachscape and/or
4 Marygrove, and Teachscape will not produce such information absent entry of an appropriate
5 protective order and subject to Marygrove's consent. Teachscape further objects to this request
6 on the ground that it calls for the production of documents neither relevant to the subject matter
7 of the pending action nor reasonably calculated to lead to the discovery of admissible evidence.
8 Teachscape further objects to this request to the extent that it calls for the production of
9 documents that are publicly available to Plaintiffs. Teachscape further objects to this request on
10 the ground and to the extent that it is duplicative of other requests.

11 Subject to and without waiving the foregoing specific and general objections set forth
12 above, Teachscape responds as follows:

13 Should the Court deny Teachscape's Motion To Dismiss, Teachscape will produce
14 responsive, non-privileged documents at a mutually convenient time and place upon entry of an
15 appropriate protective order.

16 **REQUEST NO. 26:**

17 All documents and things relating to the advertisement, promotion, and marketing of
18 Teachscape's "Master in Education in Mathematics, Grades K-5" degree program advertised in
19 or around September 2006, such as flyers, pamphlets, circulars, newsletters, posters, video
20 advertisements, audio advertisements, click-through advertisements, web site links, web sites,
21 marketing plans, marketing budgets, mailing lists, e-mailing lists, responses to inquiries, and
22 promotional scripts.

23 **RESPONSE TO REQUEST NO. 26:**

24 Teachscape objects to this request on the grounds that it is generally vague and ambiguous
25 and specifically vague and ambiguous as to the words "advertisement," "promotion,"
26 "marketing" and "advertised" and to the extent it calls for a legal conclusion. Teachscape also
27 objects to this request to the extent it calls for speculation and lacks foundation. Teachscape
28

1 further objects to this request on the grounds that it is overly broad, unduly burdensome and
2 oppressive. Teachscope further objects to this request to the extent it calls for the production of
3 documents protected by the attorney-client privilege, work product doctrine or other applicable
4 privilege or protection. Teachscope further objects to this request to the extent that it calls for
5 the production of confidential, proprietary and/or trade secret information of Teachscope and/or
6 Marygrove, and Teachscope will not produce such information absent entry of an appropriate
7 protective order and subject to Marygrove's consent. Teachscope further objects to this request
8 on the ground that it calls for the production of documents neither relevant to the subject matter
9 of the pending action nor reasonably calculated to lead to the discovery of admissible evidence.
10 Teachscope further objects to this request to the extent that it calls for the production of
11 documents that are publicly available to Plaintiffs. Teachscope further objects to this request on
12 the ground and to the extent that it is duplicative of other requests.

13 Subject to and without waiving the foregoing specific and general objections set forth
14 above, Teachscope responds as follows:

15 Should the Court deny Teachscope's Motion To Dismiss, Teachscope will produce
16 responsive, non-privileged documents at a mutually convenient time and place upon entry of an
17 appropriate protective order.

18 **REQUEST NO. 27:**

19 All documents and things relating to the advertisement, promotion, and marketing of
20 Teachscope's "Master in Education in Mathematics, Grades 6-8" degree program advertised in
21 or around September 2006, such as flyers, pamphlets, circulars, newsletters, posters, video
22 advertisements, audio advertisements, click-through advertisements, web site links, web sites,
23 marketing plans, marketing budgets, mailing lists, e-mailing lists, responses to inquiries, and
24 promotional scripts.

25 **RESPONSE TO REQUEST NO. 27:**

26 Teachscope objects to this request on the grounds that it is generally vague and ambiguous
27 and specifically vague and ambiguous as to the words "advertisement," "promotion,"
28

1 “marketing” and “advertised” and to the extent it calls for a legal conclusion. Teachscape also
2 objects to this request to the extent it calls for speculation and lacks foundation. Teachscape
3 further objects to this request on the grounds that it is overly broad, unduly burdensome and
4 oppressive. Teachscape further objects to this request to the extent it calls for the production of
5 documents protected by the attorney-client privilege, work product doctrine or other applicable
6 privilege or protection. Teachscape further objects to this request to the extent that it calls for
7 the production of confidential, proprietary and/or trade secret information of Teachscape and/or
8 Marygrove, and Teachscape will not produce such information absent entry of an appropriate
9 protective order and subject to Marygrove’s consent. Teachscape further objects to this request
10 on the ground that it calls for the production of documents neither relevant to the subject matter
11 of the pending action nor reasonably calculated to lead to the discovery of admissible evidence.
12 Teachscape further objects to this request to the extent that it calls for the production of
13 documents that are publicly available to Plaintiffs. Teachscape further objects to this request on
14 the ground and to the extent that it is duplicative of other requests.

15 Subject to and without waiving the foregoing specific and general objections set forth
16 above, Teachscape responds as follows:

17 Should the Court deny Teachscape’s Motion To Dismiss, Teachscape will produce
18 responsive, non-privileged documents at a mutually convenient time and place upon entry of an
19 appropriate protective order.

20 **REQUEST NO. 28:**

21 All documents and things relating to the advertisement, promotion, and marketing of
22 Teachscape’s “Master in Art of Teaching with a Focus on Elementary Reading & Literacy K-6”
23 degree program offered through Marygrove, such as flyers, pamphlets, circulars, newsletters,
24 posters, video advertisements, audio advertisements, click-through advertisements, web site
25 links, web sites, marketing plans, marketing budgets, mailing lists, e-mailing lists, responses to
26 inquiries, and promotional scripts.

27 **RESPONSE TO REQUEST NO. 28:**

1 Teachscape objects to this request on the grounds that it is generally vague and ambiguous
2 and specifically vague and ambiguous as to the words “advertisement,” “promotion,”
3 “marketing” and “advertised” and to the extent it calls for a legal conclusion. Teachscape also
4 objects to this request to the extent it calls for speculation and lacks foundation. Teachscape
5 further objects to this request on the grounds that it is overly broad, unduly burdensome and
6 oppressive. Teachscape further objects to this request to the extent it calls for the production of
7 documents protected by the attorney-client privilege, work product doctrine or other applicable
8 privilege or protection. Teachscape further objects to this request to the extent that it calls for
9 the production of confidential, proprietary and/or trade secret information of Teachscape and/or
10 Marygrove, and Teachscape will not produce such information absent entry of an appropriate
11 protective order and subject to Marygrove’s consent. Teachscape further objects to this request
12 on the ground that it calls for the production of documents neither relevant to the subject matter
13 of the pending action nor reasonably calculated to lead to the discovery of admissible evidence.
14 Teachscape further objects to this request to the extent that it calls for the production of
15 documents that are publicly available to Plaintiffs. Teachscape further objects to this request on
16 the ground and to the extent that it is duplicative of other requests.

17 Subject to and without waiving the foregoing specific and general objections set forth
18 above, Teachscape responds as follows:

19 Should the Court deny Teachscape’s Motion To Dismiss, Teachscape will produce
20 responsive, non-privileged documents at a mutually convenient time and place upon entry of an
21 appropriate protective order.

22 **REQUEST NO. 29:**

23 All documents and things relating to the advertisement, promotion, and marketing of
24 Teachscape’s “Master in Art of Teaching with a Focus on Elementary Mathematics, Grades K-
25 5” degree program offered through Marygrove, such as flyers, pamphlets, circulars, newsletters,
26 posters, video advertisements, audio advertisements, click-through advertisements, web site
27
28

1 links, web sites, marketing plans, marketing budgets, mailing lists, e-mailing lists, responses to
2 inquiries, and promotional scripts.

3 **RESPONSE TO REQUEST NO. 29:**

4 Teachscape objects to this request on the grounds that it is generally vague and ambiguous
5 and specifically vague and ambiguous as to the words "advertisement," "promotion,"
6 "marketing" and "advertised" and to the extent it calls for a legal conclusion. Teachscape also
7 objects to this request to the extent it calls for speculation and lacks foundation. Teachscape
8 further objects to this request on the grounds that it is overly broad, unduly burdensome and
9 oppressive. Teachscape further objects to this request to the extent it calls for the production of
10 documents protected by the attorney-client privilege, work product doctrine or other applicable
11 privilege or protection. Teachscape further objects to this request to the extent that it calls for
12 the production of confidential, proprietary and/or trade secret information of Teachscape and/or
13 Marygrove, and Teachscape will not produce such information absent entry of an appropriate
14 protective order and subject to Marygrove's consent. Teachscape further objects to this request
15 on the ground that it calls for the production of documents neither relevant to the subject matter
16 of the pending action nor reasonably calculated to lead to the discovery of admissible evidence.
17 Teachscape further objects to this request to the extent that it calls for the production of
18 documents that are publicly available to Plaintiffs. Teachscape further objects to this request on
19 the ground and to the extent that it is duplicative of other requests.

20 Subject to and without waiving the foregoing specific and general objections set forth
21 above, Teachscape responds as follows:

22 Should the Court deny Teachscape's Motion To Dismiss, Teachscape will produce
23 responsive, non-privileged documents at a mutually convenient time and place upon entry of an
24 appropriate protective order.

25 **REQUEST NO. 30:**

26 All documents and things relating to the advertisement, promotion, and marketing of
27 Teachscape's "Master in Art of Teaching with a Focus on Mathematics, Grades 6-8" degree
28

1 program offered through Marygrove, such as flyers, pamphlets, circulars, newsletters, posters,
2 video advertisements, audio advertisements, click-through advertisements, web site links, web
3 sites, marketing plans, marketing budgets, mailing lists, e-mailing lists, responses to inquiries,
4 and promotional scripts.

5 **RESPONSE TO REQUEST NO. 30:**

6 Teachscape objects to this request on the grounds that it is generally vague and ambiguous
7 and specifically vague and ambiguous as to the words “advertisement,” “promotion,”
8 “marketing” and “advertised” and to the extent it calls for a legal conclusion. Teachscape also
9 objects to this request to the extent it calls for speculation and lacks foundation. Teachscape
10 further objects to this request on the grounds that it is overly broad, unduly burdensome and
11 oppressive. Teachscape further objects to this request to the extent it calls for the production of
12 documents protected by the attorney-client privilege, work product doctrine or other applicable
13 privilege or protection. Teachscape further objects to this request to the extent that it calls for
14 the production of confidential, proprietary and/or trade secret information of Teachscape and/or
15 Marygrove, and Teachscape will not produce such information absent entry of an appropriate
16 protective order and subject to Marygrove’s consent. Teachscape further objects to this request
17 on the ground that it calls for the production of documents neither relevant to the subject matter
18 of the pending action nor reasonably calculated to lead to the discovery of admissible evidence.
19 Teachscape further objects to this request to the extent that it calls for the production of
20 documents that are publicly available to Plaintiffs. Teachscape further objects to this request on
21 the ground and to the extent that it is duplicative of other requests.

22 Subject to and without waiving the foregoing specific and general objections set forth
23 above, Teachscape responds as follows:

24 Should the Court deny Teachscape’s Motion To Dismiss, Teachscape will produce
25 responsive, non-privileged documents at a mutually convenient time and place upon entry of an
26 appropriate protective order.

REQUEST NO. 31:

All communications between Teachscope and Marygrove relating to Teachscope's master's degree programs or graduate course programs offered at Marygrove, such as draft course materials, communications regarding course planning, documents relating to anticipated demand for the course, communications regarding course administration, and communications regarding course evaluations.

RESPONSE TO REQUEST NO. 31:

Teachscope objects to this request on the grounds that it is generally vague and ambiguous and specifically vague and ambiguous as to the word and phrases "draft," "course planning," "anticipated demand," "course administration" and "course evaluations." Teachscope further objects to this request on the grounds that it is overly broad, unduly burdensome and oppressive. Teachscope further objects to this request to the extent it calls for the production of documents protected by the attorney-client privilege, work product doctrine or other applicable privilege or protection. Teachscope further objects to this request to the extent it calls for the production of confidential, proprietary and/or trade secret information of Teachscope and/or Marygrove, and Teachscope will not produce any such information absent entry of an appropriate protective order and subject to Marygrove's consent. Teachscope further objects to this request on the ground that it calls for the production of documents neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence. Teachscope further objects to this request to the extent that it calls for the production of documents that are not in the possession, custody or control of Teachscope. Teachscope further objects to this request to the extent that it is duplicative of other requests.

Subject to and without waiving the foregoing specific and general objections set forth above, Teachscope responds as follows:

Should the Court deny Teachscope's Motion To Dismiss, Teachscope will produce responsive, non-privileged documents at a mutually convenient time and place upon entry of an appropriate protective order.

REQUEST NO. 32:

All documents Teachscape provided to, or prepared to provide to, Marygrove promoting, advertising, or recommending a collaboration between Teachscape and Marygrove relating to master's degree programs or graduate course programs.

RESPONSE TO REQUEST NO. 32:

Teachscape objects to this request on the grounds that it is generally vague and ambiguous and specifically vague and ambiguous as to the words and phrase "provided," "prepared to provide," "promoting," "advertising," "recommending" and "collaboration." Teachscape further objects to this request on the grounds that it is overly broad, unduly burdensome and oppressive. Teachscape further objects to this request to the extent it calls for the production of documents protected by the attorney-client privilege, work product doctrine or other applicable privilege or protection. Teachscape further objects to this request on the ground that it calls for the production of confidential, proprietary and/or trade secret information of Teachscape and/or Marygrove, and Teachscape will not produce any such information absent entry of an appropriate protective order and subject to Marygrove's consent. Teachscape further objects to this request on the ground that it calls for the production of documents neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence. Teachscape further objects to this request to the extent that it calls for the production of documents that are not in the possession, custody or control of Teachscape. Teachscape further objects to this request on the ground and to the extent that it is duplicative of other requests.

Subject to and without waiving the foregoing specific and general objections set forth above, Teachscape responds as follows:

Should the Court deny Teachscape's Motion To Dismiss, Teachscape will produce responsive, non-privileged documents at a mutually convenient time and place upon entry of an appropriate protective order.

REQUEST NO. 33:

All communications between Teachscope and Marygrove relating to a potential master's degree program or graduate course program collaboration between Teachscope and Marygrove.

RESPONSE TO REQUEST NO. 33:

Teachscope objects to this request on the grounds that it is generally vague and ambiguous and specifically vague and ambiguous as to the words "potential" and "collaboration."

Teachscope further objects to this request on the grounds that it is overly broad, unduly burdensome and oppressive. Teachscope further objects to this request to the extent it calls for the production of documents protected by the attorney-client privilege, work product doctrine or other applicable privilege or protection. Teachscope further objects to this request to the extent it calls for the production of confidential, proprietary and/or trade secret information of Teachscope and/or Marygrove, and Teachscope will not produce any such information absent entry of an appropriate protective order and subject to Marygrove's consent. Teachscope further objects to this request on the ground that it calls for the production of documents neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence. Teachscope further objects to this request to the extent that it calls for the production of documents that are not in the possession, custody or control of Teachscope. Teachscope further objects to this request on the ground and to the extent that it is duplicative of other requests.

Subject to and without waiving the foregoing specific and general objections set forth above, Teachscope responds as follows:

Should the Court deny Teachscope's Motion To Dismiss, Teachscope will produce responsive, non-privileged documents at a mutually convenient time and place upon entry of an appropriate protective order.

REQUEST NO. 34:

Final versions and the earliest available drafts of documents and things intended to be, actually sent to, or made available to students or teachers relating to Teachscope's "Research-

1 Based Strategies for Improving Reading Success” graduate course program, such as course
2 websites, DVDs, videos, video media files, CDs, audio media files, syllabi, course packets,
3 study resources, articles, texts, course log-ins, quizzes, tests, course outlines, and grading keys.

4 **RESPONSE TO REQUEST NO. 34:**

5 Teachscape objects to this request on the grounds that it is generally vague and ambiguous
6 and specifically vague and ambiguous as to the words and phrases “earliest available,” “drafts,”
7 “intended to be,” and “made available.” Teachscape further objects to this request on the
8 grounds that it is overly broad, unduly burdensome and oppressive. Teachscape further objects
9 to this request on the ground that it calls for the production of confidential, proprietary and/or
10 trade secret information of Teachscape, and Teachscape will not produce any such information
11 absent entry of an appropriate protective order. Teachscape also objects to this request to the
12 extent it calls for the production of non-party(ies)’ confidential, proprietary and/or trade secret
13 information. Teachscape further objects to this request to the extent that it calls for the
14 production of documents neither relevant to the subject matter of the pending action nor
15 reasonably calculated to lead to the discovery of admissible evidence. Teachscape further
16 objects to this request to the extent that it calls for the production of documents that are not in
17 the possession, custody or control of Teachscape. Teachscape further objects to this request to
18 the extent that it calls for the production of documents that are publicly available to Plaintiffs.
19 Teachscape further objects to this request on the ground and to the extent that it is duplicative of
20 other requests contained herein.

21 Subject to and without waiving the foregoing specific and general objections set forth
22 above, Teachscape responds as follows:

23 Should the Court deny Teachscape’s Motion To Dismiss, Teachscape will produce
24 responsive, non-privileged documents at a mutually convenient time and place upon entry of an
25 appropriate protective order.

REQUEST NO. 35:

All documents and things relating to the advertisement, promotion, and marketing of Teachscope's "Research-Based Strategies for Improving Reading Success" graduate course program, such as flyers, pamphlets, circulars, newsletters, posters, video advertisements, audio advertisements, click-through advertisements, web site links, web sites, marketing plans, marketing budgets, mailing lists, e-mailing lists, responses to inquiries, and promotional scripts.

RESPONSE TO REQUEST NO. 35:

Teachscope objects to this request on the grounds that it is generally vague and ambiguous and specifically vague and ambiguous as to the words "advertisement," "promotion" and "marketing." Teachscope further objects to this request on the grounds that it is overly broad, unduly burdensome and oppressive. Teachscope further objects to this request to the extent it calls for the production of documents protected by the attorney-client privilege, work product doctrine or other applicable privilege or protection. Teachscope further objects to this request to the extent it calls for the production of confidential, proprietary and/or trade secret information of Teachscope, and Teachscope will not produce any such information absent entry of an appropriate protective order. Teachscope also objects to this request on the ground that it calls for the production of non-party(ies)' confidential, proprietary and/or trade secret information. Teachscope further objects to this request on the ground that it calls for the production of documents neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence. Teachscope additionally objects to this request to the extent that it calls for the production of documents that are publicly available to Plaintiffs. Teachscope further objects to this request on the ground and to the extent that it is duplicative of other requests.

Subject to and without waiving the foregoing specific and general objections set forth above, Teachscope responds as follows:

Should the Court deny Teachscope's Motion To Dismiss, Teachscope will produce responsive, non-privileged documents at a mutually convenient time and place upon entry of an

appropriate protective order.

REQUEST NO. 36:

Final versions and the earliest available drafts of documents and things intended to be, actually sent to, or made available to students or teachers relating to Teachscape's "Fundamentals of Mathematics: Teaching for Conceptual Understanding" graduate course program, such as course websites, DVDs, videos, video media files, CDs, audio media files, syllabi, course packets, study resources, articles, texts, course log-ins, quizzes, tests, course outlines, and grading keys.

RESPONSE TO REQUEST NO. 36:

Teachscape objects to this request on the grounds that it is generally vague and ambiguous and specifically vague and ambiguous as to the words and phrases "earliest available," "intended to be," and "made available." Teachscape further objects to this request on the grounds that it is overly broad, unduly burdensome and oppressive. Teachscape further objects to this request on the ground that it calls for the production of confidential, proprietary and/or trade secret information of Teachscape, and Teachscape will not produce any such information absent entry of an appropriate protective order. Teachscape objects to this request on the ground that it calls for the production of non-party(ies)' confidential, proprietary and/or trade secret information. Teachscape further objects to this request on the ground that it calls for the production of documents neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence. Teachscape further objects to this request to the extent that it calls for the production of documents that are not in the possession, custody or control of Teachscape. Teachscape further objects to this request to the extent that it calls for the production of documents that are publicly available to Plaintiffs. Teachscape further objects to this request on the ground and to the extent that it is duplicative of other requests contained herein.

Subject to and without waiving the foregoing specific and general objections set forth above, Teachscape responds as follows:

1 Should the Court deny Teachscape's Motion To Dismiss, Teachscape will produce
2 responsive, non-privileged documents at a mutually convenient time and place upon entry of an
3 appropriate protective order.

4 **REQUEST NO. 37:**

5 All documents and things relating to the advertisement, promotion, and marketing of
6 Teachscape's "Fundamentals of Mathematics: Teaching for Conceptual Understanding"
7 graduate course program, such as flyers, pamphlets, circulars, newsletters, posters, video
8 advertisements, audio advertisements, click-through advertisements, web site links, web sites,
9 marketing plans, marketing budgets, mailing lists, e-mailing lists, responses to inquiries, and
10 promotional scripts.

11 **RESPONSE TO REQUEST NO. 37:**

12 Teachscape objects to this request on the grounds that it is generally vague and ambiguous
13 and specifically vague and ambiguous as to the words "advertisement," "promotion" and
14 "marketing." Teachscape further objects to this request on the grounds that it is overly broad,
15 unduly burdensome and oppressive. Teachscape further objects to this request to the extent it
16 calls for the production of documents protected by the attorney-client privilege, work product
17 doctrine or other applicable privilege or protection. Teachscape further objects to this request to
18 the extent it calls for the production of confidential, proprietary and/or trade secret information
19 of Teachscape, and Teachscape will not produce any such information absent entry of an
20 appropriate protective order. Teachscape also objects to this request on the ground that it calls
21 for the production of non-party(ies)' confidential, proprietary and/or trade secret information.
22 Teachscape further objects to this request on the ground that it calls for the production of
23 documents neither relevant to the subject matter of the pending action nor reasonably calculated
24 to lead to the discovery of admissible evidence. Teachscape additionally objects to this request
25 to the extent that it calls for the production of documents that are publicly available to Plaintiffs.
26 Teachscape further objects to this request on the ground and to the extent that it is duplicative of
27 other requests.
28

1 Subject to and without waiving the foregoing specific and general objections set forth
2 above, Teachscape responds as follows:

3 Should the Court deny Teachscape's Motion To Dismiss, Teachscape will produce
4 responsive, non-privileged documents at a mutually convenient time and place upon entry of an
5 appropriate protective order.

6 **REQUEST NO. 38:**

7 Final versions and the earliest available drafts of documents and things intended to be,
8 actually sent to, or made available to students or teachers relating to Teachscape's "Research-
9 Based Instructional Strategies to Improve Student Achievement" graduate course program, such
10 as course websites, DVDs, videos, video media files, CDs, audio media files, syllabi, course
11 packets, study resources, articles, texts, course log-ins, quizzes, tests, course outlines, and
12 grading keys.

13 **RESPONSE TO REQUEST NO. 38:**

14 Teachscape objects to this request on the grounds that it is generally vague and ambiguous
15 and specifically vague and ambiguous as to the words and phrases "earliest available," "intended
16 to be," and "made available." Teachscape further objects to this request on the grounds that it is
17 overly broad, unduly burdensome and oppressive. Teachscape further objects to this request on
18 the ground that it calls for the production of confidential, proprietary and/or trade secret
19 information of Teachscape, and Teachscape will not produce any such information absent entry
20 of an appropriate protective order. Teachscape objects to this request on the ground that it calls
21 for the production of non-party(ies)' confidential, proprietary and/or trade secret information.
22 Teachscape further objects to this request on the ground that it calls for the production of
23 documents neither relevant to the subject matter of the pending action nor reasonably calculated
24 to lead to the discovery of admissible evidence. Teachscape further objects to this request to the
25 extent that it calls for the production of documents that are not in the possession, custody or
26 control of Teachscape. Teachscape further objects to this request to the extent that it calls for
27 the production of documents that are publicly available to Plaintiffs. Teachscape further objects
28

1 to this request on the ground and to the extent that it is duplicative of other requests contained
2 herein.

3 Subject to and without waiving the foregoing specific and general objections set forth
4 above, Teachscape responds as follows:

5 Should the Court deny Teachscape's Motion To Dismiss, Teachscape will produce
6 responsive, non-privileged documents at a mutually convenient time and place upon entry of an
7 appropriate protective order.

8 **REQUEST NO. 39:**

9 All documents and things relating to the advertisement, promotion, and marketing of
10 Teachscape's "Research-Based Instructional Strategies to Improve Student Achievement"
11 graduate course program, such as flyers, pamphlets, circulars, newsletters, posters, video
12 advertisements, audio advertisements, click-through advertisements, web site links, web sites,
13 marketing plans, marketing budgets, mailing lists, e-mailing lists, responses to inquiries, and
14 promotional scripts.

15 **RESPONSE TO REQUEST NO. 39:**

16 Teachscape objects to this request on the grounds that it is generally vague and ambiguous
17 and specifically vague and ambiguous as to the words "advertisement," "promotion" and
18 "marketing." Teachscape further objects to this request on the grounds that it is overly broad,
19 unduly burdensome and oppressive. Teachscape further objects to this request to the extent it
20 calls for the production of documents protected by the attorney-client privilege, work product
21 doctrine or other applicable privilege or protection. Teachscape further objects to this request to
22 the extent it calls for the production of confidential, proprietary and/or trade secret information
23 of Teachscape, and Teachscape will not produce any such information absent entry of an
24 appropriate protective order. Teachscape also objects to this request on the ground that it calls
25 for the production of non-party(ies)' confidential, proprietary and/or trade secret information.
26 Teachscape further objects to this request on the ground that it calls for the production of
27 documents neither relevant to the subject matter of the pending action nor reasonably calculated
28

1 to lead to the discovery of admissible evidence. Teachscape additionally objects to this request
2 to the extent that it calls for the production of documents that are publicly available to Plaintiffs.
3 Teachscape further objects to this request on the ground and to the extent that it is duplicative of
4 other requests.

5 Subject to and without waiving the foregoing specific and general objections set forth
6 above, Teachscape responds as follows:

7 Should the Court deny Teachscape's Motion To Dismiss, Teachscape will produce
8 responsive, non-privileged documents at a mutually convenient time and place upon entry of an
9 appropriate protective order.

10 **REQUEST NO. 40:**

11 Final versions and the earliest available drafts of documents and things intended to be,
12 actually sent to, or made available to students or teachers relating to Teachscape's graduate
13 course programs, such as course websites, DVDs, videos, video media files, CDs, audio media
14 files, syllabi, course packets, study resources, articles, texts, course log-ins, quizzes, tests, course
15 outlines, and grading keys.

16 **RESPONSE TO REQUEST NO. 40:**

17 Teachscape objects to this request on the grounds that it is generally vague and ambiguous
18 and specifically vague and ambiguous as to the words and phrases "earliest available," "intended
19 to be," and "made available." Teachscape further objects to this request on the grounds that it is
20 overly broad, unduly burdensome and oppressive. Teachscape further objects to this request on
21 the ground that it calls for the production of confidential, proprietary and/or trade secret
22 information of Teachscape, and Teachscape will not produce any such information absent entry
23 of an appropriate protective order. Teachscape objects to this request on the ground that it calls
24 for the production of non-party(ies)' confidential, proprietary and/or trade secret information.
25 Teachscape further objects to this request on the ground that it calls for the production of
26 documents neither relevant to the subject matter of the pending action nor reasonably calculated
27 to lead to the discovery of admissible evidence. Teachscape further objects to this request to the
28

1 extent that it calls for the production of documents that are not in the possession, custody or
2 control of Teachscape. Teachscape further objects to this request to the extent that it calls for
3 the production of documents that are publicly available to Plaintiffs. Teachscape further objects
4 to this request on the ground and to the extent that it is duplicative of other requests contained
5 herein.

6 Subject to and without waiving the foregoing specific and general objections set forth
7 above, Teachscape responds as follows:

8 Should the Court deny Teachscape's Motion To Dismiss, Teachscape will produce
9 responsive, non-privileged documents at a mutually convenient time and place upon entry of an
10 appropriate protective order.

11 **REQUEST NO. 41:**

12 All documents and things relating to the advertisement, promotion, and marketing of
13 Teachscape's graduate course programs, such as flyers, pamphlets, circulars, newsletters,
14 posters, video advertisements, audio advertisements, click-through advertisements, web site
15 links, web sites, marketing plans, marketing budgets, mailing lists, e-mailing lists, responses to
16 inquiries, and promotional scripts.

17 **RESPONSE TO REQUEST NO. 41:**

18 Teachscape objects to this request on the grounds that it is generally vague and ambiguous
19 and specifically vague and ambiguous as to the words "advertisement," "promotion" and
20 "marketing." Teachscape further objects to this request on the grounds that it is overly broad,
21 unduly burdensome and oppressive. Teachscape further objects to this request to the extent it
22 calls for the production of documents protected by the attorney-client privilege, work product
23 doctrine or other applicable privilege or protection. Teachscape further objects to this request to
24 the extent it calls for the production of confidential, proprietary and/or trade secret information
25 of Teachscape, and Teachscape will not produce any such information absent entry of an
26 appropriate protective order. Teachscape also objects to this request on the ground that it calls
27 for the production of non-party(ies)' confidential, proprietary and/or trade secret information.
28

Teachscape further objects to this request on the ground that it calls for the production of documents neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence. Teachscape additionally objects to this request to the extent that it calls for the production of documents that are publicly available to Plaintiffs. Teachscape further objects to this request on the ground and to the extent that it is duplicative of other requests.

Subject to and without waiving the foregoing specific and general objections set forth above, Teachscape responds as follows:

Should the Court deny Teachscape's Motion To Dismiss, Teachscape will produce responsive, non-privileged documents at a mutually convenient time and place upon entry of an appropriate protective order.

REQUEST NO. 42:

All communications between Teachscape and Andrews relating to Teachscape's master's degree program or graduate course programs offered at Andrews, if any, such as draft course materials, communications regarding course planning, documents relating to anticipated demand for the course, communications regarding course administration, and communications regarding course evaluations.

RESPONSE TO REQUEST NO. 42:

Teachscape objects to this request on the grounds that it is generally vague and ambiguous and specifically vague and ambiguous as to the words and phrases "draft course materials," "course planning," "anticipated demand," "course administration" and "course evaluations." Teachscape further objects to this request on the grounds that it is overly broad, unduly burdensome and oppressive. Teachscape further objects to this request to the extent it calls for the production of documents protected by the attorney-client privilege, work product doctrine or other applicable privilege or protection. Teachscape further objects to this request on the ground that it calls for the production of confidential, proprietary and/or trade secret information of Teachscape and/or Andrews. Teachscape further objects to this request on the ground that it

1 calls for the production of documents neither relevant to the subject matter of the pending action
2 nor reasonably calculated to lead to the discovery of admissible evidence.

3 **REQUEST NO. 43:**

4 All documents Teachscope provided to, or prepared to provide to, Andrews promoting,
5 advertising, or recommending a collaboration between Teachscope and Andrews relating to
6 master's degree programs or graduate course programs.

7 **RESPONSE TO REQUEST NO. 43:**

8 Teachscope objects to this request on the grounds that it is generally vague and ambiguous
9 and specifically vague and ambiguous as to the words and phrase "provided," "prepared to
10 provide," "promoting," "advertising," "recommending" and "collaboration." Teachscope further
11 objects to this request on the grounds that it is overly broad, unduly burdensome and oppressive.
12 Teachscope further objects to this request to the extent it calls for the production of documents
13 protected by the attorney-client privilege, work product doctrine or other applicable privilege or
14 protection. Teachscope further objects to this request on the ground that it calls for the
15 production of confidential, proprietary and/or trade secret information of Teachscope and/or
16 Andrews. Teachscope further objects to this request on the ground that it calls for the
17 production of documents neither relevant to the subject matter of the pending action nor
18 reasonably calculated to lead to the discovery of admissible evidence.

19 **REQUEST NO. 44:**

20 All communications between Teachscope and Andrews relating to a potential master's
21 degree program or graduate course program collaboration between Teachscope and Andrews.

22 **RESPONSE TO REQUEST NO. 44:**

23 Teachscope objects to this request on the grounds that it is generally vague and ambiguous
24 and specifically vague and ambiguous as to the words "potential" and "collaboration."
25 Teachscope further objects to this request on the grounds that it is overly broad, unduly
26 burdensome and oppressive. Teachscope further objects to this request to the extent it calls for
27 the production of documents protected by the attorney-client privilege, work product doctrine or
28

1 other applicable privilege or protection. Teachscope further objects to this request on the ground
2 that it calls for the production of confidential, proprietary and/or trade secret information of
3 Teachscope and/or Andrews. Teachscope further objects to this request on the ground that it
4 calls for the production of documents neither relevant to the subject matter of the pending action
5 nor reasonably calculated to lead to the discovery of admissible evidence. Teachscope further
6 objects to this request on the ground and to the extent that it is duplicative of other requests.

7 **REQUEST NO. 45:**

8 All communications between Teachscope and Cardinal Stritch regarding Teachscope's
9 master's degree programs or graduate course programs offered at Cardinal Stritch, if any, such
10 as draft course materials, communications regarding course planning, documents relating to
11 anticipated demand for the course, communications regarding course administration, and
12 communications regarding course evaluations.

13 **RESPONSE TO REQUEST NO. 45:**

14 Teachscope objects to this request on the grounds that it is generally vague and ambiguous
15 and specifically vague and ambiguous as to the words and phrases "draft course materials,"
16 "course planning," "anticipated demand," "course administration" and "course evaluations."
17 Teachscope further objects to this request on the grounds that it is overly broad, unduly
18 burdensome and oppressive. Teachscope further objects to this request to the extent it calls for
19 the production of documents protected by the attorney-client privilege, work product doctrine or
20 other applicable privilege or protection. Teachscope further objects to this request on the ground
21 that it calls for the production of confidential, proprietary and/or trade secret information of
22 Teachscope and/or Cardinal Stritch. Teachscope further objects to this request on the ground
23 that it calls for the production of documents neither relevant to the subject matter of the pending
24 action nor reasonably calculated to lead to the discovery of admissible evidence. Teachscope
25 further objects to this request on the ground and to the extent that it is duplicative of other
26 requests.

REQUEST NO. 46:

All documents Teachscape provided to, or prepared to provide to, Cardinal Stritch promoting, advertising, or recommending a collaboration between Teachscape and Cardinal Stritch relating to master's degree programs or graduate course programs.

RESPONSE TO REQUEST NO. 46:

Teachscape objects to this request on the grounds that it is generally vague and ambiguous and specifically vague and ambiguous as to the words and phrase "provided," "prepared to provide," "promoting," "advertising," "recommending" and "collaboration." Teachscape further objects to this request on the grounds that it is overly broad, unduly burdensome and oppressive. Teachscape further objects to this request to the extent it calls for the production of documents protected by the attorney-client privilege, work product doctrine or other applicable privilege or protection. Teachscape further objects to this request on the ground that it calls for the production of confidential, proprietary and/or trade secret information of Teachscape and/or Cardinal Stritch. Teachscape further objects to this request on the ground that it calls for the production of documents neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence. Teachscape further objects to this request on the ground and to the extent that it is duplicative of other requests.

REQUEST NO. 47:

All communications between Teachscape and Cardinal Stritch relating to a potential master's degree program or graduate course program collaboration between Teachscape and Cardinal Stritch.

RESPONSE TO REQUEST NO. 47:

Teachscape objects to this request on the grounds that it is generally vague and ambiguous and specifically vague and ambiguous as to the words "potential" and "collaboration." Teachscape further objects to this request on the grounds that it is overly broad, unduly burdensome and oppressive. Teachscape further objects to this request to the extent it calls for the production of documents protected by the attorney-client privilege, work product doctrine or

1 other applicable privilege or protection. Teachscape further objects to this request on the ground
2 that it calls for the production of confidential, proprietary and/or trade secret information of
3 Teachscape and/or Cardinal Stritch. Teachscape further objects to this request on the ground
4 that it calls for the production of documents neither relevant to the subject matter of the pending
5 action nor reasonably calculated to lead to the discovery of admissible evidence. Teachscape
6 further objects to this request on the ground and to the extent that it is duplicative of other
7 requests.

8 **REQUEST NO. 48:**

9 All documents and things relating to master's degree programs authored or offered by
10 Laureate, Canter, and/or Walden, such as course websites, DVDs, videos, video media files,
11 CDs, audio media files, syllabi, course packets, study resources, articles, texts, course log-ins,
12 quizzes, tests, course outlines, and grading keys.

13 **RESPONSE TO REQUEST NO. 48:**

14 Teachscape objects to this request on the grounds that it is generally vague and ambiguous
15 and specifically vague and ambiguous as to the words and phrases "relating to master's degree
16 programs authored or offered by Laureate, Canter, and/or Walden." Teachscape further objects
17 to this request on the grounds that it is overly broad, unduly burdensome and oppressive.

18 Teachscape further objects to this request to the extent it calls for a legal conclusion.

19 Teachscape further objects to this request to the extent it calls for the production of documents
20 protected by the attorney-client privilege, work product doctrine or other applicable privilege or
21 protection. Teachscape further objects to this request to the extent it calls for the production of
22 confidential, proprietary and/or trade secret information of Teachscape, and Teachscape will not
23 produce any such information absent entry of an appropriate protective order. Teachscape
24 further objects to this request on the ground that it calls for the production of documents neither
25 relevant to the subject matter of the pending action nor reasonably calculated to lead to the
26 discovery of admissible evidence. Teachscape further objects to this request to the extent that it
27 calls for the production of documents that are not in the possession, custody or control of
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1 Teachscape. Teachscape further objects to this request to the extent that it calls for the
2 production of documents that are more readily or equally available to Laureate, Canter and/or
3 Walden, and/or which are publicly available. Teachscape further objects to this request on the
4 ground and to the extent that it is duplicative of other requests.

5 Subject to and without waiving the foregoing specific and general objections set forth
6 above, Teachscape responds as follows: ..

7 Should the Court deny Teachscape's Motion To Dismiss, Teachscape will produce
8 responsive, non-privileged documents at a mutually convenient time and place upon entry of an
9 appropriate protective order.

10 **REQUEST NO. 49:**

11 All documents and things relating to graduate course programs authored or offered by
12 Laureate, Canter, and/or Walden, such as course websites, DVDs, videos, video media files,
13 CDs, audio media files, syllabi, course packets, study resources, articles, texts, course log-ins,
14 quizzes, tests, course outlines, and grading keys.

15 **RESPONSE TO REQUEST NO. 49:**

16 Teachscape objects to this request on the grounds that it is generally vague and ambiguous
17 and specifically vague and ambiguous as to the words and phrases "relating to graduate course
18 programs authored or offered by Laureate, Canter, and/or Walden." Teachscape further objects
19 to this request on the grounds that it is overly broad, unduly burdensome and oppressive.

20 Teachscape further objects to this request to the extent it calls for a legal conclusion.

21 Teachscape further objects to this request to the extent it calls for the production of documents
22 protected by the attorney-client privilege, work product doctrine or other applicable privilege or
23 protection. Teachscape further objects to this request to the extent it calls for the production of
24 confidential, proprietary and/or trade secret information of Teachscape, and Teachscape will not
25 produce any such information absent entry of an appropriate protective order. Teachscape
26 further objects to this request on the ground that it calls for the production of documents neither
27 relevant to the subject matter of the pending action nor reasonably calculated to lead to the
28

1 discovery of admissible evidence. Teachscape further objects to this request to the extent that it
2 calls for the production of documents that are not in the possession, custody or control of
3 Teachscape. Teachscape further objects to this request to the extent that it calls for the
4 production of documents that are more readily or equally available to Laureate, Canter and/or
5 Walden, and/or which are publicly available. Teachscape further objects to this request on the
6 ground and to the extent that it is duplicative of other requests.

7 Subject to and without waiving the foregoing specific and general objections set forth
8 above, Teachscape responds as follows:

9 Should the Court deny Teachscape's Motion To Dismiss, Teachscape will produce
10 responsive, non-privileged documents at a mutually convenient time and place upon entry of an
11 appropriate protective order.

12 **REQUEST NO. 50:**

13 All documents and things created, authored, or edited by Laureate, Canter, or Walden,
14 and in the possession of Canter's former employees.

15 **RESPONSE TO REQUEST NO. 50:**

16 Teachscape objects to this request on the grounds that it is generally vague and ambiguous
17 and specifically vague and ambiguous as to the phrase "created, authored or edited."

18 Teachscape further objects to this request on the grounds that it is overly broad, unduly
19 burdensome and oppressive. Teachscape further objects to this request on the grounds that it
20 calls for a legal conclusion. Teachscape further objects to this request on the grounds that it
21 lacks foundation and assumes facts not in evidence. Teachscape further objects to this request
22 on the grounds that it calls for speculation. Teachscape further objects to this request on the
23 ground that it calls for the production of documents neither relevant to the subject matter of the
24 pending action nor reasonably calculated to lead to the discovery of admissible evidence.

25 Teachscape further objects to this request to the extent that it calls for the production of
26 documents that are not in the possession, custody or control of Teachscape. Teachscape further
27 objects to this request on the ground and to the extent that it is duplicative of other requests.

Subject to and without waiving the foregoing specific and general objections set forth above, Teachscape responds as follows:

Should the Court deny Teachscape's Motion To Dismiss, Teachscape will produce responsive, non-privileged documents at a mutually convenient time and place upon entry of an appropriate protective order.

REQUEST NO. 51:

All documents and things relating to employment agreements between Teachscape and any of Canter's former employees.

RESPONSE TO REQUEST NO. 51:

Teachscape objects to this request on the grounds that it is generally vague and ambiguous and specifically vague and ambiguous as to the phrase "relating to employment agreements."

Teachscape further objects to this request on the grounds that it is overly broad, unduly burdensome and oppressive. Teachscape further objects to this request to the extent it calls for the production of documents protected by the attorney-client privilege, work product doctrine or other applicable privilege or protection. Teachscape further objects to this request on the ground that it calls for the production of confidential, proprietary and/or trade secret information of Teachscape, as well as the production of documents and information to which third parties have a constitutional right to privacy, and Teachscape will not produce such information absent entry of an appropriate protective order and subject to the consent of such third parties. Teachscape further objects to this request on the ground that it calls for the production of documents neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence. Teachscape further objects to this request to the extent that it calls for the production of documents that are not in the possession, custody or control of Teachscape.

Subject to and without waiving the foregoing specific and general objections set forth above, Teachscape responds as follows:

Should the Court deny Teachscape's Motion To Dismiss, Teachscape will produce

1 responsive, non-privileged documents at a mutually convenient time and place upon entry of an
2 appropriate protective order.

3 **REQUEST NO. 52:**

4 All documents and things relating to agreements for confidentiality or secrecy between
5 Teachscape and any of Canter's former employees.

6 **RESPONSE TO REQUEST NO. 52:**

7 Teachscape objects to this request on the grounds that it is generally vague and ambiguous
8 and specifically vague and ambiguous as to the phrase "relating to agreements for confidentiality
9 or secrecy." Teachscape further objects to this request on the grounds that it is overly broad,
10 unduly burdensome and oppressive. Teachscape further objects to this request to the extent it
11 calls for the production of documents protected by the attorney-client privilege, work product
12 doctrine or other applicable privilege or protection. Teachscape further objects to this request to
13 the extent it calls for the production of confidential, proprietary and/or trade secret information
14 of Teachscape, as well as the production of documents and information to which third parties
15 have a constitutional right to privacy, and Teachscape will not produce such information absent
16 entry of an appropriate protective order and subject to the consent of such third parties.

17 Teachscape further objects to this request on the ground that it calls for the production of
18 documents neither relevant to the subject matter of the pending action nor reasonably calculated
19 to lead to the discovery of admissible evidence. Teachscape further objects to this request to the
20 extent that it calls for the production of documents that are not in the possession, custody or
21 control of Teachscape.

22 Subject to and without waiving the foregoing specific and general objections set forth
23 above, Teachscape responds as follows:

24 Should the Court deny Teachscape's Motion To Dismiss, Teachscape will produce
25 responsive, non-privileged documents at a mutually convenient time and place upon entry of an
26 appropriate protective order.

REQUEST NO. 53:

All documents and things evidencing policies relating to confidentiality or secrecy communicated between Teachscape and any of Canter's former employees.

RESPONSE TO REQUEST NO. 53:

Teachscape objects to this request on the grounds that it is generally vague and ambiguous and unintelligible in its entirety, and specifically vague and ambiguous as to the phrase "evidencing policies relating to confidentiality or secrecy communicated between." Teachscape further objects to this request on the grounds that it is overly broad, unduly burdensome and oppressive. Teachscape further objects to this request to the extent it calls for the production of documents protected by the attorney-client privilege, work product doctrine or other applicable privilege or protection. Teachscape further objects to this request to the extent it calls for the production of confidential, proprietary and/or trade secret information of Teachscape, as well as the production of documents and information to which third parties have a constitutional right to privacy, and Teachscape will not produce such information absent entry of an appropriate protective order and subject to the consent of such third parties. Teachscape further objects to this request on the ground that it calls for the production of documents neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence. Teachscape further objects to this request to the extent that it calls for the production of documents that are not in the possession, custody or control of Teachscape.

Subject to and without waiving the foregoing specific and general objections set forth above, Teachscape responds as follows:

Should the Court deny Teachscape's Motion To Dismiss, Teachscape will produce responsive, non-privileged documents at a mutually convenient time and place upon entry of an appropriate protective order.

REQUEST NO. 54:

All documents and things evidencing communications relating to the use of prior employer's information between Teachscape and any of Canter's former employees.

RESPONSE TO REQUEST NO. 54:

Teachscape objects to this request on the grounds that it is generally vague and ambiguous in its entirety, and specifically vague and ambiguous as to the phrase “evidencing communications relating to use of prior employer’s information.” Teachscape further objects to this request on the grounds that it is overly broad, unduly burdensome and oppressive. Teachscape further objects to this request to the extent it calls for the production of documents protected by the attorney-client privilege, work product doctrine or other applicable privilege or protection. Teachscape further objects to this request to the extent it calls for the production of confidential, proprietary and/or trade secret information of Teachscape, as well as the production of documents and information to which third parties have a constitutional right to privacy, and Teachscape will not produce such information absent entry of an appropriate protective order and subject to the consent of such third parties. Teachscape further objects to this request on the grounds that it calls for speculation. Teachscape further objects to this request on the ground that it calls for the production of documents neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence. Teachscape further objects to this request to the extent that it calls for the production of documents that are not in the possession, custody or control of Teachscape.

Subject to and without waiving the foregoing specific and general objections set forth above, Teachscape responds as follows:

Should the Court deny Teachscape’s Motion To Dismiss, Teachscape will produce responsive, non-privileged documents at a mutually convenient time and place upon entry of an appropriate protective order.

REQUEST NO. 55:

All documents and things relating to Laureate, Canter, and/or Walden.

RESPONSE TO REQUEST NO. 55:

Teachscape objects to this request on the grounds that it is generally vague and ambiguous in its use of the phrase “relating to Laureate, Canter, and/or Walden.” Teachscape further

1 objects to this request on the grounds that it is overly broad, unduly burdensome and oppressive.
2 Teachscope further objects to this request to the extent it calls for the production of documents
3 protected by the attorney-client privilege, work product doctrine or other applicable privilege or
4 protection. Teachscope further objects to this request to the extent it calls for the production of
5 confidential, proprietary and/or trade secret information of Teachscope and/or third parties.
6 Teachscope further objects to this request to the extent it calls for the production of documents
7 neither relevant to the subject matter of the pending action nor reasonably calculated to lead to
8 the discovery of admissible evidence. Teachscope further objects to this request to the extent
9 that it calls for the production of documents that are not in the possession, custody or control of
10 Teachscope. Teachscope further objects to this request to the extent that it calls for the
11 production of documents that are equally or more readily available from Laureate, Canter and/or
12 Walden and/or are publicly available. Teachscope further objects to this request to the extent
13 that it duplicative of other requests.

14 Subject to and without waiving the foregoing specific and general objections set forth
15 above, Teachscope responds as follows:

16 Should the Court deny Teachscope's Motion To Dismiss, Teachscope will produce
17 responsive, non-privileged documents at a mutually convenient time and place upon entry of an
18 appropriate protective order.

19 **REQUEST NO. 56:**

20 All communications with customers or potential customers, including elementary and
21 high school teachers, relating to Laureate, Canter, and/or Walden.

22 **RESPONSE TO REQUEST NO. 56:**

23 Teachscope objects to this request on the grounds that it is generally vague and ambiguous
24 and unintelligible in its entirety, and specifically vague and ambiguous as to the phrases
25 "potential customers" and "relating to Laureate, Canter, and/or Walden." Teachscope further
26 objects to this request on the grounds that it is overly broad, unduly burdensome and oppressive.
27 Teachscope further objects to this request to the extent it calls for the production of confidential,
28

1 proprietary and/or trade secret information of Teachscape and/or third parties. Teachscape
2 further objects to this request to the extent it calls for the production of documents neither
3 relevant to the subject matter of the pending action nor reasonably calculated to lead to the
4 discovery of admissible evidence. Teachscape further objects to this request to the extent that it
5 calls for the production of documents that are not in the possession, custody or control of
6 Teachscape. Teachscape further objects to this request to the extent that it duplicative of other
7 requests.

8 Subject to and without waiving the foregoing specific and general objections set forth
9 above, Teachscape responds as follows:

10 Should the Court deny Teachscape's Motion To Dismiss, Teachscape will produce
11 responsive, non-privileged documents at a mutually convenient time and place upon entry of an
12 appropriate protective order.

13 **REQUEST NO. 57:**

14 All communications between Teachscape and any of Canter's former employees relating
15 to Laureate, Canter, and/or Walden.

16 **RESPONSE TO REQUEST NO. 57:**

17 Teachscape objects to this request on the grounds that it is generally vague and ambiguous
18 and specifically vague and ambiguous as to the phrase "relating to Laureate, Canter, and/or
19 Walden." Teachscape further objects to this request on the grounds that it is overly broad,
20 unduly burdensome and oppressive. Teachscape further objects to this request to the extent it
21 calls for the production of documents protected by the attorney-client privilege, work product
22 doctrine or other applicable privilege or protection. Teachscape further objects to this request to
23 the extent it calls for the production of confidential, proprietary and/or trade secret information
24 of Teachscape, as well as the production of documents and information to which third parties
25 have a constitutional right to privacy, and Teachscape will not produce such information absent
26 entry of an appropriate protective order and subject to the consent of such third parties.
27 Teachscape further objects to this request to the extent it calls for the production of documents
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1 neither relevant to the subject matter of the pending action nor reasonably calculated to lead to
2 the discovery of admissible evidence. Teachscope further objects to this request to the extent
3 that it calls for the production of documents that are not in the possession, custody or control of
4 Teachscope. Teachscope further objects to this request to the extent that it duplicative of other
5 requests.

6 Subject to and without waiving the foregoing specific and general objections set forth
7 above, Teachscope responds as follows:

8 Should the Court deny Teachscope's Motion To Dismiss, Teachscope will produce
9 responsive, non-privileged documents at a mutually convenient time and place upon entry of an
10 appropriate protective order.

11 **REQUEST NO. 58:**

12 All communications between two or more of Canter's former employees relating to
13 Laureate, Canter, and/or Walden.

14 **RESPONSE TO REQUEST NO. 58:**

15 Teachscope objects to this request on the grounds that it is generally vague, ambiguous in
16 its entirety and specifically vague and ambiguous as to the phrase "communications between
17 two or more of Canters' former employees relating to Laureate, Canter, and/or Walden."
18 Teachscope further objects to this request on the grounds that it is overly broad, unduly
19 burdensome and oppressive. Teachscope further objects to this request to the extent it lacks
20 foundation and assumes facts not in evidence. Teachscope further objects to this request on the
21 grounds that it calls for speculation. Teachscope further objects to this request to the extent it
22 calls for the production of documents protected by the attorney-client privilege, work product
23 doctrine or other applicable privilege or protection. Teachscope further objects to this request to
24 the extent it calls for the production of confidential, proprietary and/or trade secret information
25 of Teachscope, as well as the production of documents and information to which third parties
26 have a constitutional right to privacy, and Teachscope will not produce such information absent
27 entry of an appropriate protective order and subject to the consent of such third parties.
28

1 Teachscope further objects to this request on the ground that it calls for the production of
2 documents neither relevant to the subject matter of the pending action nor reasonably calculated
3 to lead to the discovery of admissible evidence. Teachscope further objects to this request to the
4 extent that it calls for the production of documents that are not in the possession, custody or
5 control of Teachscope. Teachscope further objects to this request to the extent that it duplicative
6 of other requests.

7 Subject to and without waiving the foregoing specific and general objections set forth
8 above, Teachscope responds as follows:

9 Should the Court deny Teachscope's Motion To Dismiss, Teachscope will produce
10 responsive, non-privileged documents at a mutually convenient time and place upon entry of an
11 appropriate protective order.

12 **REQUEST NO. 59:**

13 All communications between any of Canter's former employees, Andrews, Cardinal
14 Stritch, Marygrove, NYSUT ELT, Seattle Pacific or any accredited university relating to
15 Laureate, Canter, and/or Walden.

16 **RESPONSE TO REQUEST NO. 59:**

17 Teachscope objects to this request on the grounds that it is generally vague, ambiguous and
18 unintelligible in its entirety, and specifically vague and ambiguous as to the phrase "relating to
19 Laureate, Canter, and/or Walden." Teachscope further objects to this request on the grounds that
20 it is overly broad, unduly burdensome and oppressive. Teachscope further objects to this request
21 on the grounds that it lacks foundation and assumes facts not in evidence. Teachscope further
22 objects to this request on the grounds that it calls for speculation. Teachscope further objects to
23 this request on the ground that it calls for the production of confidential, proprietary and/or trade
24 secret information of Teachscope and/or non-parties to this action. Teachscope further objects to
25 this request on the ground that it calls for the production of documents neither relevant to the
26 subject matter of the pending action nor reasonably calculated to lead to the discovery of
27 admissible evidence. Teachscope further objects to this request to the extent that it calls for the
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1 production of documents that are not in the possession, custody or control of Teachscape.
2 Teachscape further objects to this request to the extent that it duplicative of other requests.

3 Subject to and without waiving the foregoing specific and general objections set forth
4 above, Teachscape responds as follows:

5 Should the Court deny Teachscape's Motion To Dismiss, Teachscape will produce
6 responsive, non-privileged documents at a mutually convenient time and place upon entry of an
7 appropriate protective order.

8 **REQUEST NO. 60:**

9 All documents and things relating to Canter's 3-year strategic plans.

10 **RESPONSE TO REQUEST NO. 60:**

11 Teachscape objects to this request on the grounds that it is generally vague and ambiguous
12 and specifically vague and ambiguous as to the phrase "3-year strategic plans" and to the extent
13 it calls for a legal conclusion. Teachscape further objects to this request on the grounds that it
14 lacks foundation and calls for speculation. Teachscape further objects to this request to the
15 extent it calls for the production of documents protected by the attorney-client privilege, work
16 product doctrine or other applicable privilege or protection. Teachscape further objects to this
17 request to the extent that it calls for the production of documents that are not in the possession,
18 custody or control of Teachscape. Teachscape further objects to this request to the extent that it
19 duplicative of other requests.

20 **REQUEST NO. 61:**

21 All documents and things relating to Canter's Corporate Investment Proposals.

22 **RESPONSE TO REQUEST NO. 61:**

23 Teachscape objects to this request on the grounds that it is generally vague and ambiguous
24 and specifically vague and ambiguous as to the phrase "Corporate Investment Proposals" and as
25 calling for a legal conclusion. Teachscape further objects to this request on the grounds that it
26 lacks foundation and calls for speculation. Teachscape further objects to this request to the
27 extent it calls for the production of documents protected by the attorney-client privilege, work
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1 product doctrine or other applicable privilege or protection. Teachscope further objects to this
2 request to the extent that it calls for the production of documents that are not in the possession,
3 custody or control of Teachscope. Teachscope further objects to this request to the extent that it
4 duplicative of other requests.

5 **REQUEST NO. 62:**

6 All documents and things relating to Canter's Onyx customer relationship management
7 (CRM) database.

8 **RESPONSE TO REQUEST NO. 62:**

9 Teachscope objects to this request on the grounds that it is generally vague and ambiguous
10 and specifically vague and ambiguous as to the phrase "relating to Canter's Onyx customer
11 relationship management (CRM) database" and to the extent it calls for a legal conclusion.
12 Teachscope further objects to this request on the grounds that it lacks foundation and calls for
13 speculation. Teachscope further objects to this request to the extent it calls for the production of
14 documents protected by the attorney-client privilege, work product doctrine or other applicable
15 privilege or protection. Teachscope further objects to this request to the extent that it calls for
16 the production of documents that are not in the possession, custody or control of Teachscope.
17 Teachscope further objects to this request to the extent that it duplicative of other requests.

18 **REQUEST NO. 63:**

19 All lists relating to potential customers for graduate course programs or master's degree
20 programs, including elementary and high school teachers.

21 **RESPONSE TO REQUEST NO. 63:**

22 Teachscope objects to this request on the grounds that it is generally vague and ambiguous
23 and specifically vague and ambiguous as to the phrase "lists relating to potential customers."
24 Teachscope further objects to this request on the ground that it calls for the production of
25 confidential, proprietary and/or trade secret information of Teachscope. Teachscope further
26 objects to this request as overly broad, unduly burdensome and oppressive, on the ground that it
27 calls for the production of documents neither relevant to the subject matter of the pending action
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1 nor reasonably calculated to lead to the discovery of admissible evidence. Teachscope further
2 objects to this request to the extent it calls for the production of documents protected by the
3 attorney-client privilege, work product doctrine or other applicable privilege or protection.
4 Teachscope further objects to this request to the extent that it duplicative of other requests.

5 **REQUEST NO. 64:**

6 All lists relating to models and strategies for segmentation and targeting of potential
7 customers for graduate course programs or master's degree programs.

8 **RESPONSE TO REQUEST NO. 64:**

9 Teachscope objects to this request on the grounds that it is generally vague and ambiguous
10 and specifically vague and ambiguous as to the phrase "lists relating to models and strategies for
11 segmentation and targeting of potential customers." Teachscope further objects to this request
12 on the ground that it calls for the production of confidential, proprietary and/or trade secret
13 information of Teachscope. Teachscope further objects to this request as overly broad, unduly
14 burdensome and oppressive, on the ground that it calls for the production of documents neither
15 relevant to the subject matter of the pending action nor reasonably calculated to lead to the
16 discovery of admissible evidence. Teachscope further objects to this request to the extent it calls
17 for the production of documents protected by the attorney-client privilege, work product
18 doctrine or other applicable privilege or protection. Teachscope further objects to this request to
19 the extent that it duplicative of other requests.

20 **REQUEST NO. 65:**

21 All documents and things relating to advertisement, promotion, and marketing of
22 Teachscope's graduate course programs and master's degree programs, including marketing
23 strategy, marketing methods, market research, analyses of potential demand, marketing
24 proposals, marketing studies, survey proposals and survey results.

25 **RESPONSE TO REQUEST NO. 65:**

26 Teachscope objects to this request on the grounds that it is generally vague and ambiguous
27 and specifically vague and ambiguous as to the words and phrases "advertisement, promotion
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1 and marketing,” “marketing strategy,” “marketing methods,” “market research,” “analyses of
2 potential demand,” “marketing proposals,” “marketing studies,” “survey proposals” and “survey
3 results.” Teachscape further objects to this request on the ground that it calls for the production
4 of confidential, proprietary and/or trade secret information of Teachscape. Teachscape further
5 objects to this request as overly broad, unduly burdensome and oppressive, on the ground that it
6 calls for the production of documents neither relevant to the subject matter of the pending action
7 nor reasonably calculated to lead to the discovery of admissible evidence. Teachscape further
8 objects to this request to the extent it calls for the production of documents protected by the
9 attorney-client privilege, work product doctrine or other applicable privilege or protection.
10 Teachscape further objects to this request to the extent that it duplicative of other requests.

11 **REQUEST NO. 66:**

12 All documents and things relating to methods for creating graduate course programs and
13 master’s degree programs, including the selection of presenters for video presentations, the
14 structuring of the program generally, and the structuring of the course curriculums and materials
15 for these programs.

16 **RESPONSE TO REQUEST NO. 66:**

17 Teachscape objects to this request on the grounds that it is generally vague and ambiguous
18 and specifically vague and ambiguous as to the word and phrases “methods for creating,”
19 “selection of presenters” “structuring,” “program generally” and “course curriculums and
20 materials.” Teachscape further objects to this request on the ground that it calls for the
21 production of confidential, proprietary and/or trade secret information of Teachscape.
22 Teachscape further objects to this request as overly broad, unduly burdensome and oppressive,
23 on the ground that it calls for the production of documents neither relevant to the subject matter
24 of the pending action nor reasonably calculated to lead to the discovery of admissible evidence.
25 Teachscape further objects to this request to the extent it calls for the production of documents
26 protected by the attorney-client privilege, work product doctrine or other applicable privilege or
27
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1 protection. Teachscape further objects to this request to the extent that it duplicative of other
2 requests.

3 **REQUEST NO. 67:**

4 All documents and things relating to Teachscape's knowledge of Laureate's or Canter's
5 relationship with Andrews, Marygrove, Cardinal Stritch, or any other accredited university.

6 **RESPONSE TO REQUEST NO. 67:**

7 Teachscape objects to this request on the grounds that it is generally vague and ambiguous
8 and specifically vague and ambiguous as to the words and phrase "relating to Teachscape's
9 knowledge," and "relationship." Teachscape further objects to this request on the grounds that it
10 is overly broad, unduly burdensome and oppressive to the extent it seeks documents neither
11 relevant to the subject matter of the pending action nor reasonably calculated to lead to the
12 discovery of admissible evidence. Teachscape further objects to this request to the extent it calls
13 for the production of documents protected by the attorney-client privilege, work product
14 doctrine or other applicable privilege or protection. Teachscape further objects to this request on
15 the ground that it calls for the production of confidential, proprietary and/or trade secret
16 information of Teachscape. Teachscape further objects to this request on the ground that it calls
17 for information that is a matter of public record. Teachscape further objects to this request to
18 the extent that it duplicative of other requests.

19 **REQUEST NO. 68:**

20 All documents and things relating to Teachscape's knowledge of Laureate's or Canter's
21 contracts with Andrews, Marygrove, Cardinal Stritch, or any other accredited university.

22 **RESPONSE TO REQUEST NO. 68:**

23 Teachscape objects to this request on the grounds that it is generally vague and ambiguous
24 and specifically vague and ambiguous as to the words and phrase "relating to Teachscape's
25 knowledge," and "contracts" and to the extent it calls for a legal conclusion. Teachscape
26 further objects to this request on the grounds that it is overly broad, unduly burdensome and
27 oppressive to the extent it seeks documents neither relevant to the subject matter of the pending
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1 action nor reasonably calculated to lead to the discovery of admissible evidence. Teachscape
2 further objects to this request to the extent it calls for the production of documents protected by
3 the attorney-client privilege, work product doctrine or other applicable privilege or protection.
4 Teachscape further objects to this request on the ground that it calls for the production of
5 confidential, proprietary and/or trade secret information of Teachscape. Teachscape further
6 objects to this request on the ground that it calls for information that is a matter of public record.
7 Teachscape further objects to this request to the extent that it duplicative of other requests.

8 Subject to and without waiving the foregoing specific and general objections set forth
9 above, Teachscape responds as follows:

10 Should the Court deny Teachscape's Motion To Dismiss, Teachscape will produce
11 responsive, non-privileged documents at a mutually convenient time and place upon entry of an
12 appropriate protective order.

13 **REQUEST NO. 69:**

14 All documents and things relating to any of Canter's or Laureate's proprietary
15 information, including but not limited to the items set forth in Plaintiffs Canter & Associates,
16 LLC'S And Laureate Education, Inc.'s Identification Of Trade Secrets, and any amendments
17 thereto.

18 **RESPONSE TO REQUEST NO. 69:**

19 Teachscape objects to this request on the grounds that it is generally vague and ambiguous
20 and specifically vague and ambiguous as to the phrase "relating to any of Canter's or Laureate's
21 proprietary information" and "Trade Secrets" and to the extent it calls for a legal conclusion.
22 Teachscape further objects to this request on the ground that it lacks foundation and calls for
23 speculation. Teachscape further objects to this request to the extent it calls for the production of
24 documents protected by the attorney-client privilege, work product doctrine or other applicable
25 privilege or protection. Teachscape further objects to this request on the ground that it calls for
26 the production of confidential, proprietary and/or trade secret information of Teachscape.
27 Teachscape further objects to this request to the extent that it calls for the production of
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documents that are not in the possession, custody or control of Teachscape. Teachscape further objects to this request to the extent that it calls for the production of documents more readily or equally available to Plaintiffs or which are publicly available. Teachscape further objects to this request to the extent that it is duplicative of other requests.

Subject to and without waiving the foregoing specific and general objections set forth above, Teachscape responds as follows:

Should the Court deny Teachscape's Motion To Dismiss, Teachscape will produce responsive, non-privileged documents at a mutually convenient time and place.

REQUEST NO. 70:

Documents sufficient to show Teachscape's actual costs of developing Teachscape's graduate course programs and master's degree programs, including payments to employees and independent contractors for such development from the beginning of their development to the present.

RESPONSE TO REQUEST NO. 70:

Teachscape objects to this request on the grounds that it is generally vague and ambiguous and specifically vague and ambiguous as to the words and phrase "actual costs," "payments," "development" and "beginning." Teachscape further objects to this request on the grounds that it is overly broad, unduly burdensome and oppressive and harassing. Teachscape further objects to this request on the ground that it calls for the production of confidential, proprietary and/or trade secret information of Teachscape and information protected from disclosure under third-parties constitutional right to privacy. Teachscape further objects to this request on the ground that it calls for the production of documents neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence. Teachscape further objects to this request to the extent that it duplicative of other requests.

REQUEST NO. 71:

Documents sufficient to show Teachscape's actual gross revenues, net revenues, and profits or losses relating to its master's degree programs and graduate course programs on a

1 monthly, quarterly, and/or annualized basis from the beginning of their development to the
2 present.

3 **RESPONSE TO REQUEST NO. 71:**

4 Teachscope objects to this request on the grounds that it is generally vague and ambiguous
5 and specifically vague and ambiguous as to the words “development” and “beginning.”

6 Teachscope further objects to this request on the grounds that it is overly broad, unduly
7 burdensome and oppressive and harassing. Teachscope further objects to this request on the
8 ground that it calls for the production of confidential, proprietary and/or trade secret information
9 of Teachscope and information protected from disclosure under third-parties’ constitutional right
10 to privacy. Teachscope further objects to this request on the ground that it calls for the
11 production of documents neither relevant to the subject matter of the pending action nor
12 reasonably calculated to lead to the discovery of admissible evidence. Teachscope further
13 objects to this request to the extent that it duplicative of other requests.

14 **REQUEST NO. 72:**

15 Documents sufficient to show Teachscope’s projected future gross revenues, net
16 revenues, and profits or losses relating to its master’s degree programs and graduate course
17 programs on a monthly, quarterly, and/or annualized basis.

18 **RESPONSE TO REQUEST NO. 72:**

19 Teachscope objects to this request on the grounds that it is generally vague and ambiguous
20 and specifically vague and ambiguous as to “projected.” Teachscope further objects to this
21 request on the grounds that it is overly broad, unduly burdensome and oppressive and harassing.
22 Teachscope further objects to this request on the ground that it calls for the production of
23 confidential, proprietary and/or trade secret information of Teachscope and information
24 protected from disclosure under third-parties’ constitutional right to privacy. Teachscope further
25 objects to this request on the ground that it calls for the production of documents neither relevant
26 to the subject matter of the pending action nor reasonably calculated to lead to the discovery of
27 admissible evidence. Teachscope further objects to this request to the extent that it duplicative of
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1 other requests.

2 **REQUEST NO. 73:**

3 Documents sufficient to show Teachscape's actual variable, fixed, and overhead costs
4 relating to its master's degree programs and graduate course programs on a monthly, quarterly,
5 and/or annualized basis from the beginning of their development to the present.

6 **RESPONSE TO REQUEST NO. 73:**

7 Teachscape objects to this request on the grounds that it is generally vague and ambiguous
8 and specifically vague and ambiguous as to the words "development" and "beginning."
9 Teachscape further objects to this request on the grounds that it is overly broad, unduly
10 burdensome and oppressive and harassing. Teachscape further objects to this request on the
11 ground that it calls for the production of confidential, proprietary and/or trade secret information
12 of Teachscape and information protected from disclosure under third-parties' constitutional right
13 to privacy. Teachscape further objects to this request on the ground that it calls for the
14 production of documents neither relevant to the subject matter of the pending action nor
15 reasonably calculated to lead to the discovery of admissible evidence. Teachscape further
16 objects to this request to the extent that it duplicative of other requests.

17 **REQUEST NO. 74:**

18 Documents sufficient to show Teachscape's projected future variable, fixed, and
19 overhead costs relating to its master's degree programs and graduate course programs on a
20 monthly, quarterly, and/or annualized basis.

21 **RESPONSE TO REQUEST NO. 74:**

22 Teachscape objects to this request on the grounds that it is generally vague and ambiguous
23 and specifically vague and ambiguous as to "projected" and "costs." Teachscape further objects
24 to this request on the grounds that it is overly broad, unduly burdensome and oppressive and
25 harassing. Teachscape further objects to this request on the ground that it calls for the
26 production of confidential, proprietary and/or trade secret information of Teachscape and
27 information protected from disclosure under third-parties' constitutional right to privacy.
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1 Teachscape further objects to this request on the ground that it calls for the production of
2 documents neither relevant to the subject matter of the pending action nor reasonably calculated
3 to lead to the discovery of admissible evidence. Teachscape further objects to this request to the
4 extent that it duplicative of other requests.

5 **REQUEST NO. 75:**

6 Documents sufficient to show Teachscape's actual per-customer revenue and per-course
7 revenue relating to its master's degree programs and graduate course programs from the
8 beginning of their development to the present.

9 **RESPONSE TO REQUEST NO. 75:**

10 Teachscape objects to this request on the grounds that it is generally vague and ambiguous
11 and specifically vague and ambiguous as to the words "revenue," "development" and
12 "beginning." Teachscape further objects to this request on the grounds that it is overly broad,
13 unduly burdensome and oppressive and harassing. Teachscape further objects to this request on
14 the ground that it calls for the production of confidential, proprietary and/or trade secret
15 information of Teachscape and information protected from disclosure under third-parties'
16 constitutional right to privacy. Teachscape further objects to this request on the ground that it
17 calls for the production of documents neither relevant to the subject matter of the pending action
18 nor reasonably calculated to lead to the discovery of admissible evidence. Teachscape further
19 objects to this request to the extent that it duplicative of other requests.

20 **REQUEST NO. 76:**

21 Documents sufficient to show Teachscape's actual incremental/marginal cost per-
22 customer and incremental/marginal cost per-course relating to its master's degree programs and
23 graduate course programs from the beginning of their development to the present.

24 **RESPONSE TO REQUEST NO. 76:**

25 Teachscape objects to this request on the grounds that it is generally vague and ambiguous
26 and specifically vague and ambiguous as to the words and phrases "incremental/marginal,"
27 "cost," "development" and "beginning." Teachscape further objects to this request on the
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1 grounds that it is overly broad, unduly burdensome and oppressive and harassing. Teachscape
2 further objects to this request on the ground that it calls for the production of confidential,
3 proprietary and/or trade secret information of Teachscape and information protected from
4 disclosure under third-parties constitutional right to privacy. Teachscape further objects to this
5 request on the ground that it calls for the production of documents neither relevant to the subject
6 matter of the pending action nor reasonably calculated to lead to the discovery of admissible
7 evidence. Teachscape further objects to this request to the extent that it duplicative of other
8 requests.

9 **REQUEST NO. 77:**

10 Documents sufficient to show Teachscape's actual average cost per-customer and
11 average cost per-course relating to its master's degree programs and graduate course programs
12 from the beginning of their development to the present.

13 **RESPONSE TO REQUEST NO. 77:**

14 Teachscape objects to this request on the grounds that it is generally vague and ambiguous
15 and specifically vague and ambiguous as to the words and phrases "cost," "development" and
16 "beginning." Teachscape further objects to this request on the grounds that it is overly broad,
17 unduly burdensome and oppressive and harassing. Teachscape further objects to this request on
18 the ground that it calls for the production of confidential, proprietary and/or trade secret
19 information of Teachscape and information protected from disclosure under third-parties
20 constitutional right to privacy. Teachscape further objects to this request on the ground that it
21 calls for the production of documents neither relevant to the subject matter of the pending action
22 nor reasonably calculated to lead to the discovery of admissible evidence. Teachscape further
23 objects to this request to the extent that it duplicative of other requests.

24 **REQUEST NO. 78:**

25 All documents and things relating to projected or completed timelines or schedules for
26 development of Teachscape's graduate course programs and graduate degree programs.

27 **RESPONSE TO REQUEST NO. 78:**

Teachscape objects to this request on the grounds that it is generally vague and ambiguous and specifically vague and ambiguous as to the phrase “projected or completed timelines or schedules for development.” Teachscape further objects to this request on the grounds that it is overly broad, unduly burdensome and oppressive and harassing. Teachscape further objects to this request on the ground that it calls for the production of confidential, proprietary and/or trade secret information of Teachscape. Teachscape further objects to this request on the ground that it calls for the production of documents neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence. Teachscape further objects to this request to the extent that it duplicative of other requests.

REQUEST NO. 79:

Organizational charts sufficient to show titles and supervisor/subordinate relationships of Teachscape’s personnel that developed, marketed, or were involved in decisions relating to Teachscape’s graduate course programs and graduate degree programs, and all different versions, past and present, of any such organizational charts.

RESPONSE TO REQUEST NO. 79:

Teachscape objects to this request on the grounds that it is generally vague and ambiguous and specifically vague and ambiguous as to the words and phrase “relationships,” “developed, marketed or were involved” and “decisions.” Teachscape further objects to this request on the grounds that it is overly broad, unduly burdensome and oppressive. Teachscape further objects to this request on the ground that it calls for the production of confidential, proprietary and/or trade secret information of Teachscape, and Teachscape will not produce such information absent entry of an appropriate protective order. Teachscape further objects to this request on the ground that it calls for the production of documents neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing specific and general objections set forth above, Teachscape responds as follows:

Should the Court deny Teachscape’s Motion To Dismiss, Teachscape will produce

responsive, non-privileged documents at a mutually convenient time and place upon entry of an appropriate protective order.

REQUEST NO. 80:

All documents and things relating to Teachscape's document retention or destruction policies from 2002 to the present.

RESPONSE TO REQUEST NO. 80:

Teachscape objects to this request on the grounds that it is generally vague and ambiguous and specifically vague and ambiguous as to the phrases "document retention" and "destruction policies." Teachscape further objects to this request to the extent it calls for the production of documents protected by the attorney-client privilege, work product doctrine or other applicable privilege or protection. Teachscape further objects to this request on the ground that it calls for the production of confidential and proprietary information of Teachscape, and Teachscape will not produce such information absent entry of an appropriate protective order. Teachscape further objects to this request on the ground that it calls for the production of documents neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing specific and general objections set forth above, Teachscape responds as follows:

Should the Court deny Teachscape's Motion To Dismiss, Teachscape will produce responsive, non-privileged documents at a mutually convenient time and place upon entry of an appropriate protective order.

Dated: November 14, 2007

SONNENSCHN NATH & ROSENTHAL LLP

By 
GAYLE M. ATHANACIO

Attorneys for Defendant
TEACHSCAPE, INC.

PROOF OF SERVICE

I, Patricia Cranmer, hereby declare:

I am employed in the City and County of San Francisco, California in the office of a member of the bar of this court at whose direction the following service was made. I am over the age of eighteen years and not a party to the within action. My business address is Sonnenschein Nath & Rosenthal LLP, 525 Market Street, 26th Floor, San Francisco, California 94105.

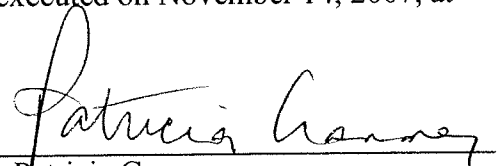
On November 14, 2007, I caused to be served on the interested parties in this action the following document(s): **DEFENDANT TEACHSCAPE, INC.'S RESPONSE TO PLAINTIFFS' FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS (NOS. 1-80)** by placing a true copy(ies) thereof, on the above date, enclosed in a sealed envelope, following the ordinary business practice of Sonnenschein Nath & Rosenthal LLP, as follows:

Annette Hurst, Esq.
Daniel N. Kassabian, Esq.
Elena M. DiMuzio, Esq.
Heller Ehrman LLP
333 Bush Street
San Francisco, CA 94104
Telephone: (415) 772-6131/6098
Fax: (415) 772-6268

☒ VIA U.S. MAIL: I am personally and readily familiar with the business practice of Sonnenschein Nath & Rosenthal LLP for collection and processing of correspondence for mailing with the United States Postal Service, pursuant to which mail placed for collection at designated stations in the ordinary course of business is deposited the same day, proper postage prepaid, with the United States Postal Service.

☐ FACSIMILE TRANSMISSION: I caused such document to be sent by facsimile transmission at the above-listed fax number for the party.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on November 14, 2007, at San Francisco, California.


Patricia Cranmer